

1 6426-S2 AAS 2/15/94

2 2SSB 6426 - S Amd  
3 By Sutherland

4 ADOPTED 2/15/94

5 On page 1, beginning on line 15, strike all of sections 2 and 3 and  
6 renumber the remaining sections consecutively.

7 2SSB 6426 - S Amd  
8 By Sutherland

9 ADOPTED 2/15/94

10 On page 2, Line 23, after "reports." insert "Implementation of the  
11 program is contingent on the availability of funds."

12 2SSB 6426 - S AMD  
13 By Senator Sutherland

14 ADOPTED 2/15/94

15 On page 2, after line 23, insert the following:

16 "Sec. 5. RCW 42.17.370 and 1986 c 155 s 11 are each amended to  
17 read as follows:

18 The commission is empowered to:

19 (1) Adopt, promulgate, amend, and rescind suitable administrative  
20 rules to carry out the policies and purposes of this chapter, which  
21 rules shall be adopted under chapter 34.05 RCW;

22 (2) Appoint and set, within the limits established by the committee  
23 on agency officials' salaries under RCW 43.03.028, the compensation of  
24 an executive director who shall perform such duties and have such  
25 powers as the commission may prescribe and delegate to implement and  
26 enforce this chapter efficiently and effectively. The commission shall  
27 not delegate its authority to adopt, amend, or rescind rules nor shall  
28 it delegate authority to determine whether an actual violation of this  
29 chapter has occurred or to assess penalties for such violations;

30 (3) Prepare and publish such reports and technical studies as in  
31 its judgment will tend to promote the purposes of this chapter,

1 including reports and statistics concerning campaign financing,  
2 lobbying, financial interests of elected officials, and enforcement of  
3 this chapter;

4 (4) Make from time to time, on its own motion, audits and field  
5 investigations;

6 (5) Make public the time and date of any formal hearing set to  
7 determine whether a violation has occurred, the question or questions  
8 to be considered, and the results thereof;

9 (6) Administer oaths and affirmations, issue subpoenas, and compel  
10 attendance, take evidence and require the production of any books,  
11 papers, correspondence, memorandums, or other records relevant or  
12 material for the purpose of any investigation authorized under this  
13 chapter, or any other proceeding under this chapter;

14 (7) Adopt and promulgate a code of fair campaign practices;

15 (8) Relieve, by rule, candidates or political committees of  
16 obligations to comply with the provisions of this chapter relating to  
17 election campaigns, if they have not received contributions nor made  
18 expenditures in connection with any election campaign of more than one  
19 thousand dollars;

20 (9) Adopt rules prescribing reasonable requirements for keeping  
21 accounts of and reporting on a quarterly basis costs incurred by state  
22 agencies, counties, cities, and other municipalities and political  
23 subdivisions in preparing, publishing, and distributing legislative  
24 information. The term "legislative information," for the purposes of  
25 this subsection, means books, pamphlets, reports, and other materials  
26 prepared, published, or distributed at substantial cost, a substantial  
27 purpose of which is to influence the passage or defeat of any  
28 legislation. The state auditor in his regular examination of each  
29 agency under chapter 43.09 RCW shall review the rules, accounts, and  
30 reports and make appropriate findings, comments, and recommendations in  
31 his examination reports concerning those agencies;

32 (10) After hearing, by order approved and ratified by a majority of  
33 the membership of the commission, suspend or modify any of the  
34 reporting requirements of this chapter in a particular case if it finds  
35 that literal application of this chapter works a manifestly  
36 unreasonable hardship and if it also finds that the suspension or  
37 modification will not frustrate the purposes of the chapter. The  
38 commission shall find that a manifestly unreasonable hardship exists if  
39 reporting the name of an entity required to be reported under RCW

1 42.17.241(1)(g)(ii) would be likely to adversely affect the competitive  
2 position of any entity in which the person filing the report or any  
3 member of his immediate family holds any office, directorship, general  
4 partnership interest, or an ownership interest of ten percent or more.  
5 Any suspension or modification shall be only to the extent necessary to  
6 substantially relieve the hardship. The commission shall act to  
7 suspend or modify any reporting requirements only if it determines that  
8 facts exist that are clear and convincing proof of the findings  
9 required under this section. Any citizen has standing to bring an  
10 action in Thurston county superior court to contest the propriety of  
11 any order entered under this section within one year from the date of  
12 the entry of the order; and

13 (11) Revise, at least once every five years but no more often than  
14 every two years, the monetary reporting thresholds and reporting code  
15 values of this chapter. The revisions shall be only for the purpose of  
16 recognizing economic changes as reflected by an inflationary index  
17 recommended by the office of financial management. The revisions shall  
18 be guided by the change in the index for the period commencing with the  
19 month of December preceding the last revision and concluding with the  
20 month of December preceding the month the revision is adopted. As to  
21 each of the three general categories of this chapter (reports of  
22 campaign finance, reports of lobbyist activity, and reports of the  
23 financial affairs of elected and appointed officials), the revisions  
24 shall equally affect all thresholds within each category. Revisions  
25 shall be adopted as rules under chapter 34.05 RCW. The first revision  
26 authorized by this subsection shall reflect economic changes from the  
27 time of the last legislative enactment affecting the respective code or  
28 threshold through December 1985.

29 (12) Develop and provide to filers a system for certification of  
30 reports required under this chapter which are transmitted by facsimile  
31 or electronically to the commission. Implementation of the program is  
32 contingent on the availability of funds."

33 Renumber the remaining sections consecutively.

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1 **2SSB 6426** - S Amd  
2 By Sutherland Sutherland

ADOPTED 2/15/94

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4 On page 1, line 2, after "information;" insert "amending RCW  
5 42.17.370;"

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