

2 2SSB 6426 - S AMD
3 By Senator Sutherland

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

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

7 The commission is empowered to:

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

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

19 (3) Prepare and publish such reports and technical studies as in
20 its judgment will tend to promote the purposes of this chapter,
21 including reports and statistics concerning campaign financing,
22 lobbying, financial interests of elected officials, and enforcement of
23 this chapter;

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

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

29 (6) Administer oaths and affirmations, issue subpoenas, and compel
30 attendance, take evidence and require the production of any books,
31 papers, correspondence, memorandums, or other records relevant or
32 material for the purpose of any investigation authorized under this
33 chapter, or any other proceeding under this chapter;

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

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

6 (9) Adopt rules prescribing reasonable requirements for keeping
7 accounts of and reporting on a quarterly basis costs incurred by state
8 agencies, counties, cities, and other municipalities and political
9 subdivisions in preparing, publishing, and distributing legislative
10 information. The term "legislative information," for the purposes of
11 this subsection, means books, pamphlets, reports, and other materials
12 prepared, published, or distributed at substantial cost, a substantial
13 purpose of which is to influence the passage or defeat of any
14 legislation. The state auditor in his regular examination of each
15 agency under chapter 43.09 RCW shall review the rules, accounts, and
16 reports and make appropriate findings, comments, and recommendations in
17 his examination reports concerning those agencies;

18 (10) After hearing, by order approved and ratified by a majority of
19 the membership of the commission, suspend or modify any of the
20 reporting requirements of this chapter in a particular case if it finds
21 that literal application of this chapter works a manifestly
22 unreasonable hardship and if it also finds that the suspension or
23 modification will not frustrate the purposes of the chapter. The
24 commission shall find that a manifestly unreasonable hardship exists if
25 reporting the name of an entity required to be reported under RCW
26 42.17.241(1)(g)(ii) would be likely to adversely affect the competitive
27 position of any entity in which the person filing the report or any
28 member of his immediate family holds any office, directorship, general
29 partnership interest, or an ownership interest of ten percent or more.
30 Any suspension or modification shall be only to the extent necessary to
31 substantially relieve the hardship. The commission shall act to
32 suspend or modify any reporting requirements only if it determines that
33 facts exist that are clear and convincing proof of the findings
34 required under this section. Any citizen has standing to bring an
35 action in Thurston county superior court to contest the propriety of
36 any order entered under this section within one year from the date of
37 the entry of the order; and

38 (11) Revise, at least once every five years but no more often than
39 every two years, the monetary reporting thresholds and reporting code

1 values of this chapter. The revisions shall be only for the purpose of
2 recognizing economic changes as reflected by an inflationary index
3 recommended by the office of financial management. The revisions shall
4 be guided by the change in the index for the period commencing with the
5 month of December preceding the last revision and concluding with the
6 month of December preceding the month the revision is adopted. As to
7 each of the three general categories of this chapter (reports of
8 campaign finance, reports of lobbyist activity, and reports of the
9 financial affairs of elected and appointed officials), the revisions
10 shall equally affect all thresholds within each category. Revisions
11 shall be adopted as rules under chapter 34.05 RCW. The first revision
12 authorized by this subsection shall reflect economic changes from the
13 time of the last legislative enactment affecting the respective code or
14 threshold through December 1985.

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

19 Renumber the remaining sections consecutively.

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22 On page 1, line 2, after "information;" insert "amending RCW
23 42.17.370;"

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