

---

HOUSE BILL 2484

---

State of Washington

55th Legislature

1998 Regular Session

By Representatives Lisk, Appelwick, Pennington, Dunshee, Kessler, Linville and D. Schmidt

Read first time 01/14/98. Referred to Committee on Government Administration.

1 AN ACT Relating to determining if violations of chapter 42.17 RCW  
2 have occurred; and amending RCW 42.17.360 and 42.17.395.

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

4 **Sec. 1.** RCW 42.17.360 and 1973 c 1 s 36 are each amended to read  
5 as follows:

6 The commission shall:

7 (1) Develop and provide forms for the reports and statements  
8 required to be made under this chapter((÷));

9 (2) Prepare and publish a manual setting forth recommended uniform  
10 methods of bookkeeping and reporting for use by persons required to  
11 make reports and statements under this chapter;

12 (3) Compile and maintain a current list of all filed reports and  
13 statements;

14 (4) Investigate whether properly completed statements and reports  
15 have been filed within the times required by this chapter;

16 (5) Upon complaint or upon its own motion, investigate potential  
17 violations of this chapter and petition an administrative law judge to  
18 determine if a violation has occurred or report apparent violations of  
19 this chapter to the appropriate law enforcement authorities;

1 (6) Prepare and publish an annual report to the governor as to the  
2 effectiveness of this chapter and its enforcement by appropriate law  
3 enforcement authorities; and

4 (7) Enforce this chapter according to the powers granted it by law.

5 **Sec. 2.** RCW 42.17.395 and 1989 c 175 s 91 are each amended to read  
6 as follows:

7 (1) If an apparent violation of this chapter has occurred, the  
8 commission may either (a) petition an administrative law judge to  
9 determine whether the apparent violation constitutes an actual  
10 violation of this chapter ((has occurred; and (b) issue and enforce an  
11 appropriate order following such determination.

12 ~~(2) The commission, in cases where it chooses to determine whether~~  
13 ~~an actual violation of this chapter has occurred, shall hold a hearing~~  
14 ~~pursuant to the Administrative Procedure Act, chapter 34.05 RCW, to~~  
15 ~~make such determination. Any order that the commission issues under~~  
16 ~~this section shall be pursuant to such hearing.~~

17 ~~(3) In lieu of holding a hearing or issuing an order under this~~  
18 ~~section, the commission may)); or (b) refer the ((matter)) apparent~~  
19 violation to the attorney general or other enforcement agency as  
20 provided in RCW 42.17.360.

21 ~~((4))~~ (2) If an administrative law judge determines that an  
22 actual violation of this chapter has occurred, the commission shall  
23 issue and enforce an appropriate order. The person against whom an  
24 order is directed under this section shall be designated as the  
25 respondent. The order may require the respondent to cease and desist  
26 from the activity that constitutes a violation and in addition, or  
27 alternatively, may impose one or more of the remedies provided in RCW  
28 42.17.390(~~((1) (b), (c), (d), or (e): PROVIDED, That no)) (2), (3),~~  
29 (4), or (5). However, an individual penalty assessed by the commission  
30 may not exceed one thousand dollars, and in any case where multiple  
31 violations are involved in a single complaint or ((hearing)) single  
32 determination by an administrative law judge that an actual violation  
33 has occurred, the maximum aggregate penalty may not exceed two thousand  
34 five hundred dollars.

35 ~~((5))~~ (3) An order issued by the commission under this section  
36 shall be subject to judicial review under the Administrative Procedure  
37 Act, chapter 34.05 RCW. If the commission's order is not satisfied and  
38 no petition for review is filed within thirty days as provided in RCW

1 34.05.542, the commission may petition a court of competent  
2 jurisdiction of any county in which a petition for review could be  
3 filed under that section, for an order of enforcement. Proceedings in  
4 connection with the commission's petition shall be in accordance with  
5 RCW 42.17.397.

--- END ---