
HOUSE BILL 2725

State of Washington

55th Legislature

1998 Regular Session

By Representatives Dunn, Koster, Sump, Mielke, Boldt, Honeyford and Buck

Read first time 01/19/98. Referred to Committee on Government Administration.

1 AN ACT Relating to subpoena power of the public disclosure
2 commission; and amending RCW 42.17.370.

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

4 **Sec. 1.** RCW 42.17.370 and 1995 c 397 s 17 are each amended to read
5 as follows:

6 The commission is empowered to:

7 (1) Adopt, promulgate, amend, and rescind suitable administrative
8 rules to carry out the policies and purposes of this chapter, which
9 rules shall be adopted under chapter 34.05 RCW. Any rule relating to
10 campaign finance, political advertising, or related forms that would
11 otherwise take effect after June 30th of a general election year shall
12 take effect no earlier than the day following the general election in
13 that year;

14 (2) Appoint and set, within the limits established by the committee
15 on agency officials' salaries under RCW 43.03.028, the compensation of
16 an executive director who shall perform such duties and have such
17 powers as the commission may prescribe and delegate to implement and
18 enforce this chapter efficiently and effectively. The commission shall
19 not delegate its authority to adopt, amend, or rescind rules nor shall

1 it delegate authority to determine whether an actual violation of this
2 chapter has occurred or to assess penalties for such violations;

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

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

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

13 (6) Administer oaths and affirmations, and, under order of a court
14 of competent jurisdiction, issue subpoenas, and compel attendance, take
15 evidence and require the production of any books, papers,
16 correspondence, memorandums, or other records relevant or material for
17 the purpose of any investigation authorized under this chapter, or any
18 other proceeding under this chapter;

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

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

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

38 (10) After hearing, by order approved and ratified by a majority of
39 the membership of the commission, suspend or modify any of the

1 reporting requirements of this chapter in a particular case if it finds
2 that literal application of this chapter works a manifestly
3 unreasonable hardship and if it also finds that the suspension or
4 modification will not frustrate the purposes of the chapter. The
5 commission shall find that a manifestly unreasonable hardship exists if
6 reporting the name of an entity required to be reported under RCW
7 42.17.241(1)(g)(ii) would be likely to adversely affect the competitive
8 position of any entity in which the person filing the report or any
9 member of his or her immediate family holds any office, directorship,
10 general partnership interest, or an ownership interest of ten percent
11 or more. Any suspension or modification shall be only to the extent
12 necessary to substantially relieve the hardship. The commission shall
13 act to suspend or modify any reporting requirements only if it
14 determines that facts exist that are clear and convincing proof of the
15 findings required under this section. Requests for renewals of
16 reporting modifications may be heard in a brief adjudicative proceeding
17 as set forth in RCW 34.05.482 through 34.05.494 and in accordance with
18 the standards established in this section. No initial request may be
19 heard in a brief adjudicative proceeding and no request for renewal may
20 be heard in a brief adjudicative proceeding if the initial request was
21 granted more than three years previously or if the applicant is holding
22 an office or position of employment different from the office or
23 position held when the initial request was granted. The commission
24 shall adopt administrative rules governing the proceedings. Any
25 citizen has standing to bring an action in Thurston county superior
26 court to contest the propriety of any order entered under this section
27 within one year from the date of the entry of the order; and

28 (11) Revise, at least once every five years but no more often than
29 every two years, the monetary reporting thresholds and reporting code
30 values of this chapter. The revisions shall be only for the purpose of
31 recognizing economic changes as reflected by an inflationary index
32 recommended by the office of financial management. The revisions shall
33 be guided by the change in the index for the period commencing with the
34 month of December preceding the last revision and concluding with the
35 month of December preceding the month the revision is adopted. As to
36 each of the three general categories of this chapter (reports of
37 campaign finance, reports of lobbyist activity, and reports of the
38 financial affairs of elected and appointed officials), the revisions
39 shall equally affect all thresholds within each category. Revisions

1 shall be adopted as rules under chapter 34.05 RCW. The first revision
2 authorized by this subsection shall reflect economic changes from the
3 time of the last legislative enactment affecting the respective code or
4 threshold through December 1985;

5 (12) Develop and provide to filers a system for certification of
6 reports required under this chapter which are transmitted by facsimile
7 or electronically to the commission. Implementation of the program is
8 contingent on the availability of funds.

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