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SENATE BILL 5025

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State of Washington

56th Legislature

1999 Regular Session

By Senators Spanel and Long; by request of Legislative Ethics Board

Read first time 01/11/1999. Referred to Committee on State & Local Government.

1 AN ACT Relating to ethics in public service; amending RCW  
2 42.52.420, 42.52.180, 42.17.130, 42.52.120, 42.17.020, and 42.52.010;  
3 and adding a new section to chapter 42.52 RCW.

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

5 **Sec. 1.** RCW 42.52.420 and 1994 c 154 s 212 are each amended to  
6 read as follows:

7 (1) After the filing of any complaint, except as provided in RCW  
8 42.52.450, the staff of the appropriate ethics board shall investigate  
9 the complaint. The investigation shall be limited to the ((alleged  
10 facts)) allegations contained in the complaint.

11 (2) The results of the investigation shall be reduced to writing  
12 and the staff shall either make a determination ((shall be made)) that  
13 the complaint should be dismissed pursuant to section 2 of this act, or  
14 recommend to the board that there is or that there is not reasonable  
15 cause to believe that a violation of this chapter or rules adopted  
16 under it has been or is being committed.

17 ((A copy of the written)) (3) The board's determination on  
18 reasonable cause shall be provided to the complainant and to the person  
19 named in such complaint.

1        NEW SECTION.    **Sec. 2.**    A new section is added to chapter 42.52 RCW  
2 to read as follows:

3        (1) Based on the investigation conducted under RCW 42.52.420, and  
4 subject to rules issued by each board, the staff of the appropriate  
5 ethics board may issue an order of dismissal based on any of the  
6 following findings:

7        (a) Any violation that may have occurred is not within the  
8 jurisdiction of the board;

9        (b) The complaint is obviously unfounded or frivolous; or

10       (c) Any violation that may have occurred does not constitute a  
11 material violation because it was inadvertent and minor, or has been  
12 cured, and, after consideration of all of the circumstances, further  
13 proceedings would not serve the purposes of this section.

14       (2) Written notice of the determination under subsection (1) of  
15 this section shall be provided to the complainant, respondent, and the  
16 board.

17       (3) In the event that a complaint is dismissed under this section,  
18 the complainant may request that the board review the action.  
19 Following review, the board shall:

20       (a) Affirm the staff dismissal;

21       (b) Direct the staff to conduct further investigation; or

22       (c) Issue a determination that there is reasonable cause to believe  
23 that a violation has been or is being committed.

24       (4) The board's decision under subsection (3) of this section shall  
25 be reduced to writing and provided to the complainant and the  
26 respondent.

27       **Sec. 3.**    RCW 42.52.180 and 1995 c 397 s 30 are each amended to read  
28 as follows:

29       (1) No state officer or state employee may use or authorize the use  
30 of facilities of an agency, directly or indirectly, for the purpose of  
31 assisting a campaign for election of a person to an office, for the  
32 appointment of a person to a vacancy in an elective office, or for the  
33 promotion of or opposition to a ballot proposition.    Knowing  
34 acquiescence by a person with authority to direct, control, or  
35 influence the actions of the state officer or state employee using  
36 public resources in violation of this section constitutes a violation  
37 of this section.    Facilities of an agency include, but are not limited  
38 to, use of stationery, postage, machines, and equipment, use of state

1 employees of the agency during working hours, vehicles, office space,  
2 publications of the agency, and clientele lists of persons served by  
3 the agency.

4 (2) This section shall not apply to the following activities:

5 (a) Action taken at an open public meeting by members of an elected  
6 legislative body to express a collective decision, or to actually vote  
7 upon a motion, proposal, resolution, order, or ordinance, or to support  
8 or oppose a ballot proposition as long as (i) required notice of the  
9 meeting includes the title and number of the ballot proposition, and  
10 (ii) members of the legislative body or members of the public are  
11 afforded an approximately equal opportunity for the expression of an  
12 opposing view;

13 (b) A statement by an elected official in support of or in  
14 opposition to any ballot proposition at an open press conference or in  
15 response to a specific inquiry. For the purposes of this subsection,  
16 it is not a violation of this section for an elected official to  
17 respond to an inquiry regarding a ballot proposition, to make  
18 incidental remarks concerning a ballot proposition in an official  
19 communication, or otherwise comment on a ballot proposition without an  
20 actual, measurable expenditure of public funds. The ethics boards  
21 shall adopt by rule a definition of measurable expenditure;

22 (c) Activities that are part of the normal and regular conduct of  
23 the office or agency; and

24 (d) De minimis use of public facilities by state-wide elected  
25 officials and legislators incidental to the preparation or delivery of  
26 permissible communications, including written and verbal communications  
27 initiated by them of their views on ballot propositions that  
28 foreseeably may affect a matter that falls within their constitutional  
29 or statutory responsibilities.

30 (3) As to state officers and employees, this section operates to  
31 the exclusion of RCW 42.17.130.

32 **Sec. 4.** RCW 42.17.130 and 1979 ex.s. c 265 s 2 are each amended to  
33 read as follows:

34 No elective official nor any employee of his or her office nor any  
35 person appointed to or employed by any public office or agency may use  
36 or authorize the use of any of the facilities of a public office or  
37 agency, directly or indirectly, for the purpose of assisting a campaign  
38 for election of any person to any office, for the appointment of a

1 person to a vacancy in an elective office, or for the promotion of or  
2 opposition to any ballot proposition. Facilities of public office or  
3 agency include, but are not limited to, use of stationery, postage,  
4 machines, and equipment, use of employees of the office or agency  
5 during working hours, vehicles, office space, publications of the  
6 office or agency, and clientele lists of persons served by the office  
7 or agency: PROVIDED, That the foregoing provisions of this section  
8 shall not apply to the following activities:

9 (1) Action taken at an open public meeting by members of an elected  
10 legislative body to express a collective decision, or to actually vote  
11 upon a motion, proposal, resolution, order, or ordinance, or to support  
12 or oppose a ballot proposition so long as (a) any required notice of  
13 the meeting includes the title and number of the ballot proposition,  
14 and (b) members of the legislative body or members of the public are  
15 afforded an approximately equal opportunity for the expression of an  
16 opposing view;

17 (2) A statement by an elected official in support of or in  
18 opposition to any ballot proposition at an open press conference or in  
19 response to a specific inquiry;

20 (3) Activities which are part of the normal and regular conduct of  
21 the office or agency.

22 **Sec. 5.** RCW 42.52.120 and 1997 c 318 s 1 are each amended to read  
23 as follows:

24 (1) No state officer or state employee may receive any thing of  
25 economic value under any contract or grant outside of his or her  
26 official duties. The prohibition in this subsection does not apply  
27 where the state officer or state employee has complied with RCW  
28 42.52.030(2) or each of the following conditions are met:

29 (a) The contract or grant is bona fide and actually performed;

30 (b) The performance or administration of the contract or grant is  
31 not within the course of the officer's or employee's official duties,  
32 or is not under the officer's or employee's official supervision;

33 (c) The performance of the contract or grant is not prohibited by  
34 RCW 42.52.040 or by applicable laws or rules governing outside  
35 employment for the officer or employee;

36 (d) The contract or grant is neither performed for nor compensated  
37 by any person from whom such officer or employee would be prohibited by  
38 RCW 42.52.150(4) from receiving a gift;

1 (e) The contract or grant is not one expressly created or  
2 authorized by the officer or employee in his or her official capacity;

3 (f) The contract or grant would not require unauthorized disclosure  
4 of confidential information.

5 (2) In addition to satisfying the requirements of subsection (1) of  
6 this section, a state officer or state employee may have a beneficial  
7 interest in a grant or contract or a series of substantially identical  
8 contracts or grants with a state agency only if:

9 (a) The contract or grant is awarded or issued as a result of an  
10 open and competitive bidding process in which more than one bid or  
11 grant application was received; or

12 (b) The contract or grant is awarded or issued as a result of an  
13 open and competitive bidding or selection process in which the  
14 officer's or employee's bid or proposal was the only bid or proposal  
15 received and the officer or employee has been advised by the  
16 appropriate ethics board, before execution of the contract or grant,  
17 that the contract or grant would not be in conflict with the proper  
18 discharge of the officer's or employee's official duties; or

19 (c) The process for awarding the contract or issuing the grant is  
20 not open and competitive, but the officer or employee has been advised  
21 by the appropriate ethics board that the contract or grant would not be  
22 in conflict with the proper discharge of the officer's or employee's  
23 official duties.

24 (3) A state officer or state employee awarded a contract or issued  
25 a grant in compliance with subsection (2) of this section shall file  
26 the contract or grant with the appropriate ethics board within thirty  
27 days after the date of execution; however, if proprietary formulae,  
28 designs, drawings, or research are included in the contract or grant,  
29 the proprietary formulae, designs, drawings, or research may be deleted  
30 from the contract or grant filed with the appropriate ethics board.

31 (4) This section does not prevent a state officer or state employee  
32 from receiving compensation contributed from the treasury of the United  
33 States, another state, county, or municipality if the compensation is  
34 received pursuant to arrangements entered into between such state,  
35 county, municipality, or the United States and the officer's or  
36 employee's agency. This section does not prohibit a state officer or  
37 state employee from serving or performing any duties (~~under an~~  
38 ~~employment contract with a~~) as an officer or employee of more than one

1 governmental entity. Such compensation or employment is subject to the  
2 restrictions in RCW 42.52.020.

3 (5) As used in this section, "officer" and "employee" do not  
4 include officers and employees who, in accordance with the terms of  
5 their employment or appointment, are serving without compensation from  
6 the state of Washington or are receiving from the state only  
7 reimbursement of expenses incurred or a predetermined allowance for  
8 such expenses.

9 **Sec. 6.** RCW 42.17.020 and 1995 c 397 s 1 are each amended to read  
10 as follows:

11 (1) "Agency" includes all state agencies and all local agencies.  
12 "State agency" includes every state office, department, division,  
13 bureau, board, commission, or other state agency. "Local agency"  
14 includes every county, city, town, municipal corporation, quasi-  
15 municipal corporation, or special purpose district, or any office,  
16 department, division, bureau, board, commission, or agency thereof, or  
17 other local public agency.

18 (2) "Authorized committee" means the political committee authorized  
19 by a candidate, or by the public official against whom recall charges  
20 have been filed, to accept contributions or make expenditures on behalf  
21 of the candidate or public official.

22 (3) "Ballot proposition" means any "measure" as defined by RCW  
23 29.01.110, or any initiative, recall, or referendum proposition  
24 proposed to be submitted to the voters of the state ~~((or))~~i any  
25 municipal corporation, political subdivision, or other voting  
26 constituency; or the state legislature, from and after the time when  
27 the proposition has been initially filed with the appropriate election  
28 officer of that constituency prior to its circulation for signatures.  
29 An initiative to the legislature shall not be considered a ballot  
30 proposition during the period beginning the first day following the  
31 close of the time for signature gathering and ending on the last day of  
32 the legislative session, or the day when the legislature takes final  
33 action on the initiative, whichever comes first.

34 (4) "Benefit" means a commercial, proprietary, financial, economic,  
35 or monetary advantage, or the avoidance of a commercial, proprietary,  
36 financial, economic, or monetary disadvantage.

37 (5) "Bona fide political party" means:

1 (a) An organization that has filed a valid certificate of  
2 nomination with the secretary of state under chapter 29.24 RCW;

3 (b) The governing body of the state organization of a major  
4 political party, as defined in RCW 29.01.090, that is the body  
5 authorized by the charter or bylaws of the party to exercise authority  
6 on behalf of the state party; or

7 (c) The county central committee or legislative district committee  
8 of a major political party. There may be only one legislative district  
9 committee for each party in each legislative district.

10 (6) "Depository" means a bank designated by a candidate or  
11 political committee pursuant to RCW 42.17.050.

12 (7) "Treasurer" and "deputy treasurer" mean the individuals  
13 appointed by a candidate or political committee, pursuant to RCW  
14 42.17.050, to perform the duties specified in that section.

15 (8) "Candidate" means any individual who seeks nomination for  
16 election or election to public office. An individual seeks nomination  
17 or election when he or she first:

18 (a) Receives contributions or makes expenditures or reserves space  
19 or facilities with intent to promote his or her candidacy for office;

20 (b) Announces publicly or files for office;

21 (c) Purchases commercial advertising space or broadcast time to  
22 promote his or her candidacy; or

23 (d) Gives his or her consent to another person to take on behalf of  
24 the individual any of the actions in (a) or (c) of this subsection.

25 (9) "Caucus political committee" means a political committee  
26 organized and maintained by the members of a major political party in  
27 the state senate or state house of representatives.

28 (10) "Commercial advertiser" means any person who sells the service  
29 of communicating messages or producing printed material for broadcast  
30 or distribution to the general public or segments of the general public  
31 whether through the use of newspapers, magazines, television and radio  
32 stations, billboard companies, direct mail advertising companies,  
33 printing companies, or otherwise.

34 (11) "Commission" means the agency established under RCW 42.17.350.

35 (12) "Compensation" unless the context requires a narrower meaning,  
36 includes payment in any form for real or personal property or services  
37 of any kind: PROVIDED, That for the purpose of compliance with RCW  
38 42.17.241, the term "compensation" shall not include per diem  
39 allowances or other payments made by a governmental entity to reimburse

1 a public official for expenses incurred while the official is engaged  
2 in the official business of the governmental entity.

3 (13) "Continuing political committee" means a political committee  
4 that is an organization of continuing existence not established in  
5 anticipation of any particular election campaign.

6 (14)(a) "Contribution" includes:

7 (i) A loan, gift, deposit, subscription, forgiveness of  
8 indebtedness, donation, advance, pledge, payment, transfer of funds  
9 between political committees, or anything of value, including personal  
10 and professional services for less than full consideration;

11 (ii) An expenditure made by a person in cooperation, consultation,  
12 or concert with, or at the request or suggestion of, a candidate, a  
13 political committee, or their agents;

14 (iii) The financing by a person of the dissemination, distribution,  
15 or republication, in whole or in part, of broadcast, written, graphic,  
16 or other form of political advertising prepared by a candidate, a  
17 political committee, or its authorized agent;

18 (iv) Sums paid for tickets to fund-raising events such as dinners  
19 and parties, except for the actual cost of the consumables furnished at  
20 the event.

21 (b) "Contribution" does not include:

22 (i) Standard interest on money deposited in a political committee's  
23 account;

24 (ii) Ordinary home hospitality;

25 (iii) A contribution received by a candidate or political committee  
26 that is returned to the contributor within five business days of the  
27 date on which it is received by the candidate or political committee;

28 (iv) A news item, feature, commentary, or editorial in a regularly  
29 scheduled news medium that is of primary interest to the general  
30 public, that is in a news medium controlled by a person whose business  
31 is that news medium, and that is not controlled by a candidate or a  
32 political committee;

33 (v) An internal political communication primarily limited to the  
34 members of or contributors to a political party organization or  
35 political committee, or to the officers, management staff, or  
36 stockholders of a corporation or similar enterprise, or to the members  
37 of a labor organization or other membership organization;

38 (vi) The rendering of personal services of the sort commonly  
39 performed by volunteer campaign workers, or incidental expenses



1 personally incurred by volunteer campaign workers not in excess of  
2 fifty dollars personally paid for by the worker. "Volunteer services,"  
3 for the purposes of this section, means services or labor for which the  
4 individual is not compensated by any person;

5 (vii) Messages in the form of reader boards, banners, or yard or  
6 window signs displayed on a person's own property or property occupied  
7 by a person. However, a facility used for such political advertising  
8 for which a rental charge is normally made must be reported as an in-  
9 kind contribution and counts towards any applicable contribution limit  
10 of the person providing the facility;

11 (viii) Legal or accounting services rendered to or on behalf of:

12 (A) A political party or caucus political committee if the person  
13 paying for the services is the regular employer of the person rendering  
14 such services; or

15 (B) A candidate or an authorized committee if the person paying for  
16 the services is the regular employer of the individual rendering the  
17 services and if the services are solely for the purpose of ensuring  
18 compliance with state election or public disclosure laws.

19 (c) Contributions other than money or its equivalent are deemed to  
20 have a monetary value equivalent to the fair market value of the  
21 contribution. Services or property or rights furnished at less than  
22 their fair market value for the purpose of assisting any candidate or  
23 political committee are deemed a contribution. Such a contribution  
24 must be reported as an in-kind contribution at its fair market value  
25 and counts towards any applicable contribution limit of the provider.

26 (15) "Elected official" means any person elected at a general or  
27 special election to any public office, and any person appointed to fill  
28 a vacancy in any such office.

29 (16) "Election" includes any primary, general, or special election  
30 for public office and any election in which a ballot proposition is  
31 submitted to the voters: PROVIDED, That an election in which the  
32 qualifications for voting include other than those requirements set  
33 forth in Article VI, section 1 (Amendment 63) of the Constitution of  
34 the state of Washington shall not be considered an election for  
35 purposes of this chapter.

36 (17) "Election campaign" means any campaign in support of or in  
37 opposition to a candidate for election to public office and any  
38 campaign in support of, or in opposition to, a ballot proposition.

1 (18) "Election cycle" means the period beginning on the first day  
2 of December after the date of the last previous general election for  
3 the office that the candidate seeks and ending on November 30th after  
4 the next election for the office. In the case of a special election to  
5 fill a vacancy in an office, "election cycle" means the period  
6 beginning on the day the vacancy occurs and ending on November 30th  
7 after the special election.

8 (19) "Expenditure" includes a payment, contribution, subscription,  
9 distribution, loan, advance, deposit, or gift of money or anything of  
10 value, and includes a contract, promise, or agreement, whether or not  
11 legally enforceable, to make an expenditure. The term "expenditure"  
12 also includes a promise to pay, a payment, or a transfer of anything of  
13 value in exchange for goods, services, property, facilities, or  
14 anything of value for the purpose of assisting, benefiting, or honoring  
15 any public official or candidate, or assisting in furthering or  
16 opposing any election campaign. For the purposes of this chapter,  
17 agreements to make expenditures, contracts, and promises to pay may be  
18 reported as estimated obligations until actual payment is made. The  
19 term "expenditure" shall not include the partial or complete repayment  
20 by a candidate or political committee of the principal of a loan, the  
21 receipt of which loan has been properly reported.

22 (20) "Final report" means the report described as a final report in  
23 RCW 42.17.080(2).

24 (21) "General election" means the election that results in the  
25 election of a person to a state office. It does not include a primary.

26 (22) "Gift," is as defined in RCW 42.52.010.

27 (23) "Immediate family" includes the spouse, dependent children,  
28 and other dependent relatives, if living in the household. For the  
29 purposes of RCW 42.17.640 through 42.17.790, "immediate family" means  
30 an individual's spouse, and child, stepchild, grandchild, parent,  
31 stepparent, grandparent, brother, half brother, sister, or half sister  
32 of the individual and the spouse of any such person and a child,  
33 stepchild, grandchild, parent, stepparent, grandparent, brother, half  
34 brother, sister, or half sister of the individual's spouse and the  
35 spouse of any such person.

36 (24) "Independent expenditure" means an expenditure that has each  
37 of the following elements:

38 (a) It is made in support of or in opposition to a candidate for  
39 office by a person who is not (i) a candidate for that office, (ii) an

1 authorized committee of that candidate for that office, (iii) a person  
2 who has received the candidate's encouragement or approval to make the  
3 expenditure, if the expenditure pays in whole or in part for political  
4 advertising supporting that candidate or promoting the defeat of any  
5 other candidate or candidates for that office, or (iv) a person with  
6 whom the candidate has collaborated for the purpose of making the  
7 expenditure, if the expenditure pays in whole or in part for political  
8 advertising supporting that candidate or promoting the defeat of any  
9 other candidate or candidates for that office;

10 (b) The expenditure pays in whole or in part for political  
11 advertising that either specifically names the candidate supported or  
12 opposed, or clearly and beyond any doubt identifies the candidate  
13 without using the candidate's name; and

14 (c) The expenditure, alone or in conjunction with another  
15 expenditure or other expenditures of the same person in support of or  
16 opposition to that candidate, has a value of five hundred dollars or  
17 more. A series of expenditures, each of which is under five hundred  
18 dollars, constitutes one independent expenditure if their cumulative  
19 value is five hundred dollars or more.

20 (25)(a) "Intermediary" means an individual who transmits a  
21 contribution to a candidate or committee from another person unless the  
22 contribution is from the individual's employer, immediate family as  
23 defined for purposes of RCW 42.17.640 through 42.17.790, or an  
24 association to which the individual belongs.

25 (b) A treasurer or a candidate is not an intermediary for purposes  
26 of the committee that the treasurer or candidate serves.

27 (c) A professional fund-raiser is not an intermediary if the fund-  
28 raiser is compensated for fund-raising services at the usual and  
29 customary rate.

30 (d) A volunteer hosting a fund-raising event at the individual's  
31 home is not an intermediary for purposes of that event.

32 (26) "Legislation" means bills, resolutions, motions, amendments,  
33 nominations, and other matters pending or proposed in either house of  
34 the state legislature, and includes any other matter that may be the  
35 subject of action by either house or any committee of the legislature  
36 and all bills and resolutions that, having passed both houses, are  
37 pending approval by the governor.

38 (27) "Lobby" and "lobbying" each mean attempting to influence the  
39 passage or defeat of any legislation by the legislature of the state of

1 Washington, or the adoption or rejection of any rule, standard, rate,  
2 or other legislative enactment of any state agency under the state  
3 Administrative Procedure Act, chapter 34.05 RCW. Neither "lobby" nor  
4 "lobbying" includes an association's or other organization's act of  
5 communicating with the members of that association or organization.

6 (28) "Lobbyist" includes any person who lobbies either in his or  
7 her own or another's behalf.

8 (29) "Lobbyist's employer" means the person or persons by whom a  
9 lobbyist is employed and all persons by whom he or she is compensated  
10 for acting as a lobbyist.

11 (30) "Person" includes an individual, partnership, joint venture,  
12 public or private corporation, association, federal, state, or local  
13 governmental entity or agency however constituted, candidate,  
14 committee, political committee, political party, executive committee  
15 thereof, or any other organization or group of persons, however  
16 organized.

17 (31) "Person in interest" means the person who is the subject of a  
18 record or any representative designated by that person, except that if  
19 that person is under a legal disability, the term "person in interest"  
20 means and includes the parent or duly appointed legal representative.

21 (32) "Political advertising" includes any advertising displays,  
22 newspaper ads, billboards, signs, brochures, articles, tabloids,  
23 flyers, letters, radio or television presentations, or other means of  
24 mass communication, used for the purpose of appealing, directly or  
25 indirectly, for votes or for financial or other support in any election  
26 campaign.

27 (33) "Political committee" means any person (except a candidate or  
28 an individual dealing with his or her own funds or property) having the  
29 expectation of receiving contributions or making expenditures in  
30 support of, or opposition to, any candidate or any ballot proposition.

31 (34) "Primary" means the procedure for nominating a candidate to  
32 state office under chapter 29.18 or 29.21 RCW or any other primary for  
33 an election that uses, in large measure, the procedures established in  
34 chapter 29.18 or 29.21 RCW.

35 (35) "Public office" means any federal, state, county, city, town,  
36 school district, port district, special district, or other state  
37 political subdivision elective office.

38 (36) "Public record" includes any writing containing information  
39 relating to the conduct of government or the performance of any

1 governmental or proprietary function prepared, owned, used, or retained  
2 by any state or local agency regardless of physical form or  
3 characteristics. For the office of the secretary of the senate and the  
4 office of the chief clerk of the house of representatives, public  
5 records means legislative records as defined in RCW 40.14.100 and also  
6 means the following: All budget and financial records; personnel  
7 leave, travel, and payroll records; records of legislative sessions;  
8 reports submitted to the legislature; and any other record designated  
9 a public record by any official action of the senate or the house of  
10 representatives.

11 (37) "Recall campaign" means the period of time beginning on the  
12 date of the filing of recall charges under RCW 29.82.015 and ending  
13 thirty days after the recall election.

14 (38) "State legislative office" means the office of a member of the  
15 state house of representatives or the office of a member of the state  
16 senate.

17 (39) "State office" means state legislative office or the office of  
18 governor, lieutenant governor, secretary of state, attorney general,  
19 commissioner of public lands, insurance commissioner, superintendent of  
20 public instruction, state auditor, or state treasurer.

21 (40) "State official" means a person who holds a state office.

22 (41) "Surplus funds" mean, in the case of a political committee or  
23 candidate, the balance of contributions that remain in the possession  
24 or control of that committee or candidate subsequent to the election  
25 for which the contributions were received, and that are in excess of  
26 the amount necessary to pay remaining debts incurred by the committee  
27 or candidate prior to that election. In the case of a continuing  
28 political committee, "surplus funds" mean those contributions remaining  
29 in the possession or control of the committee that are in excess of the  
30 amount necessary to pay all remaining debts when it makes its final  
31 report under RCW 42.17.065.

32 (42) "Writing" means handwriting, typewriting, printing,  
33 photostating, photographing, and every other means of recording any  
34 form of communication or representation, including, but not limited to,  
35 letters, words, pictures, sounds, or symbols, or combination thereof,  
36 and all papers, maps, magnetic or paper tapes, photographic films and  
37 prints, motion picture, film and video recordings, magnetic or punched  
38 cards, discs, drums, diskettes, sound recordings, and other documents

1 including existing data compilations from which information may be  
2 obtained or translated.

3 As used in this chapter, the singular shall take the plural and any  
4 gender, the other, as the context requires.

5 **Sec. 7.** RCW 42.52.010 and 1998 c 7 s 1 are each amended to read as  
6 follows:

7 Unless the context clearly requires otherwise, the definitions in  
8 this section apply throughout this chapter.

9 (1) "Agency" means any state board, commission, bureau, committee,  
10 department, institution, division, or tribunal in the legislative,  
11 executive, or judicial branch of state government. "Agency" includes  
12 all elective offices, the state legislature, those institutions of  
13 higher education created and supported by the state government, and  
14 those courts that are parts of state government.

15 (2) "Head of agency" means the chief executive officer of an  
16 agency. In the case of an agency headed by a commission, board,  
17 committee, or other body consisting of more than one natural person,  
18 agency head means the person or board authorized to appoint agency  
19 employees and regulate their conduct.

20 (3) "Assist" means to act, or offer or agree to act, in such a way  
21 as to help, aid, advise, furnish information to, or otherwise provide  
22 assistance to another person, believing that the action is of help,  
23 aid, advice, or assistance to the person and with intent so to assist  
24 such person.

25 (4) "Ballot proposition" means any proposition as defined by RCW  
26 42.17.020.

27 (5) "Beneficial interest" has the meaning ascribed to it under the  
28 Washington case law. However, an ownership interest in a mutual fund  
29 or similar investment pooling fund in which the owner has no management  
30 powers does not constitute a beneficial interest in the entities in  
31 which the fund or pool invests.

32 ((+5+)) (6) "Compensation" means anything of economic value,  
33 however designated, that is paid, loaned, granted, or transferred, or  
34 to be paid, loaned, granted, or transferred for, or in consideration  
35 of, personal services to any person.

36 ((+6+)) (7) "Confidential information" means (a) specific  
37 information, rather than generalized knowledge, that is not available

1 to the general public on request or (b) information made confidential  
2 by law.

3 ~~((+7))~~ (8) "Contract" or "grant" means an agreement between two or  
4 more persons that creates an obligation to do or not to do a particular  
5 thing. "Contract" or "grant" includes, but is not limited to, an  
6 employment contract, a lease, a license, a purchase agreement, or a  
7 sales agreement.

8 ~~((+8))~~ (9) "Ethics boards" means the commission on judicial  
9 conduct, the legislative ethics board, and the executive ethics board.

10 ~~((+9))~~ (10) "Family" has the same meaning as "immediate family" in  
11 RCW 42.17.020.

12 ~~((+10))~~ (11) "Gift" means anything of economic value for which no  
13 consideration is given. "Gift" does not include:

14 (a) Items from family members or friends where it is clear beyond  
15 a reasonable doubt that the gift was not made as part of any design to  
16 gain or maintain influence in the agency of which the recipient is an  
17 officer or employee;

18 (b) Items related to the outside business of the recipient that are  
19 customary and not related to the recipient's performance of official  
20 duties;

21 (c) Items exchanged among officials and employees or a social event  
22 hosted or sponsored by a state officer or state employee for coworkers;

23 (d) Payments by a governmental or nongovernmental entity of  
24 reasonable expenses incurred in connection with a speech, presentation,  
25 appearance, or trade mission made in an official capacity. As used in  
26 this subsection, "reasonable expenses" are limited to travel, lodging,  
27 and subsistence expenses incurred the day before through the day after  
28 the event;

29 (e) Items a state officer or state employee is authorized by law to  
30 accept;

31 (f) Payment of enrollment and course fees and reasonable travel  
32 expenses attributable to attending seminars and educational programs  
33 sponsored by a bona fide governmental or nonprofit professional,  
34 educational, trade, or charitable association or institution. As used  
35 in this subsection, "reasonable expenses" are limited to travel,  
36 lodging, and subsistence expenses incurred the day before through the  
37 day after the event;

1 (g) Items returned by the recipient to the donor within thirty days  
2 of receipt or donated to a charitable organization within thirty days  
3 of receipt;

4 (h) Campaign contributions reported under chapter 42.17 RCW;

5 (i) Discounts available to an individual as a member of an employee  
6 group, occupation, or similar broad-based group; and

7 (j) Awards, prizes, scholarships, or other items provided in  
8 recognition of academic or scientific achievement.

9 (~~(11)~~) (12) "Honorarium" means money or thing of value offered to  
10 a state officer or state employee for a speech, appearance, article, or  
11 similar item or activity in connection with the state officer's or  
12 state employee's official role.

13 (~~(12)~~) (13) "Official duty" means those duties within the  
14 specific scope of employment of the state officer or state employee as  
15 defined by the officer's or employee's agency or by statute or the  
16 state Constitution.

17 (~~(13)~~) (14) "Participate" means to participate in state action or  
18 a proceeding personally and substantially as a state officer or state  
19 employee, through approval, disapproval, decision, recommendation, the  
20 rendering of advice, investigation, or otherwise but does not include  
21 preparation, consideration, or enactment of legislation or the  
22 performance of legislative duties.

23 (~~(14)~~) (15) "Person" means any individual, partnership,  
24 association, corporation, firm, institution, or other entity, whether  
25 or not operated for profit.

26 (~~(15)~~) (16) "Regulatory agency" means any state board,  
27 commission, department, or officer, except those in the legislative or  
28 judicial branches, authorized by law to conduct adjudicative  
29 proceedings, issue permits or licenses, or to control or affect  
30 interests of identified persons.

31 (~~(16)~~) (17) "Responsibility" in connection with a transaction  
32 involving the state, means the direct administrative or operating  
33 authority, whether intermediate or final, and either exercisable alone  
34 or through subordinates, effectively to approve, disapprove, or  
35 otherwise direct state action in respect of such transaction.

36 (~~(17)~~) (18) "State action" means any action on the part of an  
37 agency, including, but not limited to:

38 (a) A decision, determination, finding, ruling, or order; and



1 (b) A grant, payment, award, license, contract, transaction,  
2 sanction, or approval, or the denial thereof, or failure to act with  
3 respect to a decision, determination, finding, ruling, or order.

4 (~~(18)~~) (19) "State officer" means every person holding a position  
5 of public trust in or under an executive, legislative, or judicial  
6 office of the state. "State officer" includes judges of the superior  
7 court, judges of the court of appeals, justices of the supreme court,  
8 members of the legislature together with the secretary of the senate  
9 and the chief clerk of the house of representatives, holders of  
10 elective offices in the executive branch of state government, chief  
11 executive officers of state agencies, members of boards, commissions,  
12 or committees with authority over one or more state agencies or  
13 institutions, and employees of the state who are engaged in  
14 supervisory, policy-making, or policy-enforcing work. For the purposes  
15 of this chapter, "state officer" also includes any person exercising or  
16 undertaking to exercise the powers or functions of a state officer.

17 (~~(19)~~) (20) "State employee" means an individual who is employed  
18 by an agency in any branch of state government. For purposes of this  
19 chapter, employees of the superior courts are not state officers or  
20 state employees.

21 (~~(20)~~) (21) "Thing of economic value," in addition to its  
22 ordinary meaning, includes:

23 (a) A loan, property interest, interest in a contract or other  
24 chose in action, and employment or another arrangement involving a  
25 right to compensation;

26 (b) An option, irrespective of the conditions to the exercise of  
27 the option; and

28 (c) A promise or undertaking for the present or future delivery or  
29 procurement.

30 (~~(21)~~) (22)(a) "Transaction involving the state" means a  
31 proceeding, application, submission, request for a ruling or other  
32 determination, contract, claim, case, or other similar matter that the  
33 state officer, state employee, or former state officer or state  
34 employee in question believes, or has reason to believe:

35 (i) Is, or will be, the subject of state action; or

36 (ii) Is one to which the state is or will be a party; or

37 (iii) Is one in which the state has a direct and substantial  
38 proprietary interest.

1 (b) "Transaction involving the state" does not include the  
2 following: Preparation, consideration, or enactment of legislation,  
3 including appropriation of moneys in a budget, or the performance of  
4 legislative duties by an officer or employee; or a claim, case,  
5 lawsuit, or similar matter if the officer or employee did not  
6 participate in the underlying transaction involving the state that is  
7 the basis for the claim, case, or lawsuit.

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