
SENATE BILL 6580

State of Washington 57th Legislature

2002 Regular Session

By Senator Swecker

Read first time 01/22/2002. Referred to Committee on State & Local Government.

1 AN ACT Relating to the public disclosure commission; and amending
2 RCW 42.17.350, 42.17.370, and 42.17.410.

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

4 **Sec. 1.** RCW 42.17.350 and 1998 c 30 s 1 are each amended to read
5 as follows:

6 (1) There is hereby established a "public disclosure commission"
7 which shall be composed of five members who shall be appointed by the
8 governor, with the consent of the senate. All appointees shall be
9 persons of the highest integrity and qualifications. No more than
10 three members shall have an identification with the same political
11 party.

12 (2) The term of each member shall be five years. No member is
13 eligible for appointment to more than one full term. Any member may be
14 removed by the governor, but only upon grounds of neglect of duty or
15 misconduct in office.

16 (3) No person may serve on the commission who is not a registered
17 voter of the state at the time of selection.

1 (4) During his or her tenure, a member of the commission is
2 prohibited from engaging in any of the following activities, either
3 within or outside the state of Washington:

4 ~~((a))~~ ~~((Holding or campaigning for elective office;~~
5 ~~(b)))~~ Serving as an officer of any political party or political
6 committee;

7 ~~((e))~~ (b) Permitting his or her name to be used in support of or
8 in opposition to a candidate or proposition;

9 ~~((d))~~ (c) Soliciting or making contributions to a candidate or in
10 support of or in opposition to any candidate or proposition;

11 ~~((e))~~ (d) Participating in any way in any election campaign; or

12 ~~((f))~~ (e) Lobbying, employing, or assisting a lobbyist, except
13 that a member or the staff of the commission may lobby to the limited
14 extent permitted by RCW 42.17.190 on matters directly affecting this
15 chapter.

16 ~~((4))~~ (5) No member of the commission may hold, seek, or campaign
17 for elective or appointive office while a member of the commission or
18 for a period of two years after leaving the commission.

19 (6) A vacancy on the commission shall be filled within thirty days
20 of the vacancy by the governor, with the consent of the senate, and the
21 appointee shall serve for the remaining term of his or her predecessor.
22 A vacancy shall not impair the powers of the remaining members to
23 exercise all of the powers of the commission.

24 ~~((5))~~ (7) Three members of the commission shall constitute a
25 quorum. The commission shall elect its own chair and adopt its own
26 rules of procedure in the manner provided in chapter 34.05 RCW.

27 ~~((6))~~ (8) Members shall be compensated in accordance with RCW
28 43.03.250 and in addition shall be reimbursed for travel expenses
29 incurred while engaged in the business of the commission as provided in
30 RCW 43.03.050 and 43.03.060. The compensation provided pursuant to
31 this section shall not be considered salary for purposes of the
32 provisions of any retirement system created pursuant to the general
33 laws of this state.

34 **Sec. 2.** RCW 42.17.370 and 1995 c 397 s 17 are each amended to read
35 as follows:

36 The commission is empowered to:

37 (1) Adopt, promulgate, amend, and rescind suitable administrative
38 rules to carry out the policies and purposes of this chapter, which

1 rules shall be adopted under chapter 34.05 RCW. Any rule relating to
2 campaign finance, political advertising, or related forms that would
3 otherwise take effect after June 30th of a general election year shall
4 take effect no earlier than the day following the general election in
5 that year;

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

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

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

21 (5) Make public the time and date of any formal hearing set to
22 determine whether a violation has occurred, the question or questions
23 to be considered, and the results thereof. In order to prevent the
24 creation of an appearance of bias the commission shall not, however,
25 make unsolicited disseminations of complaints before scheduling the
26 formal hearing, without a formal public records request;

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

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

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

38 (9) Adopt rules prescribing reasonable requirements for keeping
39 accounts of and reporting on a quarterly basis costs incurred by state

1 agencies, counties, cities, and other municipalities and political
2 subdivisions in preparing, publishing, and distributing legislative
3 information. The term "legislative information," for the purposes of
4 this subsection, means books, pamphlets, reports, and other materials
5 prepared, published, or distributed at substantial cost, a substantial
6 purpose of which is to influence the passage or defeat of any
7 legislation. The state auditor in his or her regular examination of
8 each agency under chapter 43.09 RCW shall review the rules, accounts,
9 and reports and make appropriate findings, comments, and
10 recommendations in his or her examination reports concerning those
11 agencies;

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

1 court to contest the propriety of any order entered under this section
2 within one year from the date of the entry of the order; and

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

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

23 **Sec. 3.** RCW 42.17.410 and 1982 c 147 s 18 are each amended to read
24 as follows:

25 (1) In all complaints in which the commission has jurisdiction, the
26 commission must issue charges within one hundred twenty days from the
27 date the complaint was first received, unless extended as provided in
28 this subsection, or the complaint is deemed dismissed with prejudice.
29 An extension may be permitted if agreed to by the complaining party,
30 the accused, and the commission. The commission may also grant a
31 single sixty-day extension upon a showing of just cause.

32 (2) Any legal action brought under the provisions of this chapter
33 must be commenced within five years after the date when the violation
34 occurred.

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