

- 1 (1) Develop and provide forms for the reports and statements
2 required to be made under (~~this~~) chapters 42.17, 42.30, and 42.56
3 RCW;
- 4 (2) Prepare and publish a manual setting forth recommended uniform
5 methods of bookkeeping and reporting for use by persons required to
6 make reports and statements under (~~this~~) chapter 42.17 RCW;
- 7 (3) Compile and maintain a current list of all filed reports and
8 statements;
- 9 (4) Investigate whether properly completed statements and reports
10 have been filed within the times required by (~~this~~) chapter 42.17
11 RCW;
- 12 (5) Upon complaint or upon its own motion, investigate and report
13 apparent violations of this chapter to the appropriate law enforcement
14 authorities;
- 15 (6) Prepare and publish an annual report to the governor as to the
16 effectiveness of (~~this~~) chapter 42.17 RCW and its enforcement by
17 appropriate law enforcement authorities; (~~and~~)
- 18 (7) Enforce (~~this~~) chapters 42.17, 42.30, and 42.56 RCW according
19 to the powers granted it by law;
- 20 (8) Investigate, review, and adjudicate complaints alleging
21 violations of chapters 42.56 and 42.30 RCW;
- 22 (9) Issue interpretative opinions of chapters 42.30 and 42.56 RCW;
23 and
- 24 (10) Provide confidential consultation regarding the duties under
25 chapters 42.30 and 42.56 RCW.

26 **Sec. 102.** RCW 42.17.365 and 1999 c 401 s 8 are each amended to
27 read as follows:

28 The commission shall conduct a sufficient number of audits and
29 field investigations so as to provide a statistically valid finding
30 regarding the degree of compliance with the provisions of (~~this~~)
31 chapter 42.17 RCW by all required filers. Any documents, records,
32 reports, computer files, papers, or materials provided to the
33 commission for use in conducting audits and investigations must be
34 returned to the candidate, campaign, or political committee from which
35 they were received within one week of the commission's completion of an
36 audit or field investigation.

1 **Sec. 103.** RCW 42.17.367 and 1999 c 401 s 9 are each amended to
2 read as follows:

3 By February 1, 2000, the commission shall operate a web site or
4 contract for the operation of a web site that allows access to reports,
5 copies of reports, or copies of data and information submitted in
6 reports, filed with the commission under RCW 42.17.040, 42.17.065,
7 42.17.080, 42.17.100, and 42.17.105. By January 1, 2001, the web site
8 shall allow access to reports, copies of reports, or copies of data and
9 information submitted in reports, filed with the commission under RCW
10 42.17.150, 42.17.170, 42.17.175, and 42.17.180. In addition, the
11 commission shall attempt to make available via the web site other
12 public records submitted to or generated by the commission that are
13 required by ((this)) chapter 42.17 RCW to be available for public use
14 or inspection.

15 **Sec. 104.** RCW 42.17.369 and 2000 c 237 s 3 are each amended to
16 read as follows:

17 (1) By July 1, 1999, the commission shall make available to
18 candidates, public officials, and political committees that are
19 required to file reports under ((this)) chapter 42.17 RCW an electronic
20 filing alternative for submitting financial affairs reports,
21 contribution reports, and expenditure reports, including but not
22 limited to filing by diskette, modem, satellite, or the internet.

23 (2) By January 1, 2002, the commission shall make available to
24 lobbyists and lobbyists' employers required to file reports under RCW
25 42.17.150, 42.17.170, 42.17.175, or 42.17.180 an electronic filing
26 alternative for submitting these reports including but not limited to
27 filing by diskette, modem, satellite, or the internet.

28 (3) The commission shall make available to candidates, public
29 officials, political committees, lobbyists, and lobbyists' employers an
30 electronic copy of the appropriate reporting forms at no charge.

31 **Sec. 105.** RCW 42.17.3691 and 2000 c 237 s 4 are each amended to
32 read as follows:

33 (1) Beginning January 1, 2002, each candidate or political
34 committee that expended twenty-five thousand dollars or more in the
35 preceding year or expects to expend twenty-five thousand dollars or
36 more in the current year shall file all contribution reports and

1 expenditure reports required by (~~this~~) chapter 42.17 RCW by the
2 electronic alternative provided by the commission under RCW 42.17.369
3 (as recodified by this act). The commission may make exceptions on a
4 case-by-case basis for candidates whose authorized committees lack the
5 technological ability to file reports using the electronic alternative
6 provided by the commission.

7 (2) Beginning January 1, 2004, each candidate or political
8 committee that expended ten thousand dollars or more in the preceding
9 year or expects to expend ten thousand dollars or more in the current
10 year shall file all contribution reports and expenditure reports
11 required by (~~this~~) chapter 42.17 RCW by the electronic alternative
12 provided by the commission under RCW 42.17.369 (as recodified by this
13 act). The commission may make exceptions on a case-by-case basis for
14 candidates whose authorized committees lack the technological ability
15 to file reports using the electronic alternative provided by the
16 commission.

17 (3) Failure by a candidate or political committee to comply with
18 this section is a violation of this chapter.

19 **Sec. 106.** RCW 42.17.370 and 1995 c 397 s 17 are each amended to
20 read as follows:

21 The commission is empowered to:

22 (1) Adopt, promulgate, amend, and rescind suitable administrative
23 rules to carry out the policies and purposes of (~~this~~) chapter 42.17
24 RCW, which rules shall be adopted under chapter 34.05 RCW. Any rule
25 relating to campaign finance, political advertising, or related forms
26 that would otherwise take effect after June 30th of a general election
27 year shall take effect no earlier than the day following the general
28 election in that year;

29 (2) Appoint and set, within the limits established by the committee
30 on agency officials' salaries under RCW 43.03.028, the compensation of
31 an executive director who shall perform such duties and have such
32 powers as the commission may prescribe and delegate to implement and
33 enforce (~~this~~) chapter 42.17 RCW efficiently and effectively. The
34 commission shall not delegate its authority to adopt, amend, or rescind
35 rules nor shall it delegate authority to determine whether an actual
36 violation of (~~this~~) chapter 42.17 RCW has occurred or to assess
37 penalties for such violations;

1 (3) Prepare and publish such reports and technical studies as in
2 its judgment will tend to promote the purposes of ((~~this~~)) chapter
3 42.17 RCW, including reports and statistics concerning campaign
4 financing, lobbying, financial interests of elected officials, and
5 enforcement of this chapter;

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

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

11 (6) Administer oaths and affirmations, issue subpoenas, and compel
12 attendance, take evidence and require the production of any books,
13 papers, correspondence, memorandums, or other records relevant or
14 material for the purpose of any investigation authorized under ((~~this~~))
15 chapter 42.17 RCW, or any other proceeding under ((~~this~~)) chapter 42.17
16 RCW;

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

18 (8) Relieve, by rule, candidates or political committees of
19 obligations to comply with the provisions of ((~~this~~)) chapter 42.17 RCW
20 relating to election campaigns, if they have not received contributions
21 nor made expenditures in connection with any election campaign of more
22 than one thousand dollars;

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

36 (10) After hearing, by order approved and ratified by a majority of
37 the membership of the commission, suspend, or modify any of the
38 reporting requirements of ((~~this~~)) chapter 42.17 RCW in a particular

1 case if it finds that literal application of (~~this~~) chapter 42.17 RCW
2 works a manifestly unreasonable hardship and if it also finds that the
3 suspension or modification will not frustrate the purposes of the
4 chapter. The commission shall find that a manifestly unreasonable
5 hardship exists if reporting the name of an entity required to be
6 reported under RCW 42.17.241(1)(g)(ii) would be likely to adversely
7 affect the competitive position of any entity in which the person
8 filing the report or any member of his or her immediate family holds
9 any office, directorship, general partnership interest, or an ownership
10 interest of ten percent or more. Any suspension or modification shall
11 be only to the extent necessary to substantially relieve the hardship.
12 The commission shall act to suspend or modify any reporting
13 requirements only if it determines that facts exist that are clear and
14 convincing proof of the findings required under this section. Requests
15 for renewals of reporting modifications may be heard in a brief
16 adjudicative proceeding as set forth in RCW 34.05.482 through 34.05.494
17 and in accordance with the standards established in this section. No
18 initial request may be heard in a brief adjudicative proceeding and no
19 request for renewal may be heard in a brief adjudicative proceeding if
20 the initial request was granted more than three years previously or if
21 the applicant is holding an office or position of employment different
22 from the office or position held when the initial request was granted.
23 The commission shall adopt administrative rules governing the
24 proceedings. Any citizen has standing to bring an action in Thurston
25 county superior court to contest the propriety of any order entered
26 under this section within one year from the date of the entry of the
27 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 42.17 RCW. The revisions shall be only for
31 the purpose of recognizing economic changes as reflected by an
32 inflationary index recommended by the office of financial management.
33 The revisions shall be guided by the change in the index for the period
34 commencing with the month of December preceding the last revision and
35 concluding with the month of December preceding the month the revision
36 is adopted. As to each of the three general categories of this chapter
37 (reports of campaign finance, reports of lobbyist activity, and reports
38 of the financial affairs of elected and appointed officials), the

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

6 (12) Develop and provide to filers a system for certification of
7 reports required under (~~this~~) chapter 42.17 RCW which are transmitted
8 by facsimile or electronically to the commission. Implementation of
9 the program is contingent on the availability of funds.

10 **Sec. 107.** RCW 42.17.375 and 1983 c 294 s 1 are each amended to
11 read as follows:

12 With regard to the reports required by (~~this~~) chapter 42.17 RCW
13 to be filed with a county auditor or county elections official, the
14 commission shall adopt rules governing the arrangement, handling,
15 indexing, and disclosing of those reports by the county auditor or
16 county elections official. The rules shall ensure ease of access by
17 the public to the reports and shall include, but not be limited to,
18 requirements for indexing the reports by the names of candidates or
19 political committees and by the ballot proposition for or against which
20 a political committee is receiving contributions or making
21 expenditures.

22 **Sec. 108.** RCW 42.17.380 and 1982 c 35 s 196 are each amended to
23 read as follows:

24 (1) The office of the secretary of state shall be designated as a
25 place where the public may file papers or correspond with the
26 commission and receive any form or instruction from the commission.

27 (2) The attorney general, through his or her office, shall supply
28 such assistance as the commission may require in order to carry out its
29 responsibilities under (~~this~~) chapter 42.17 RCW. The commission may
30 employ attorneys who are neither the attorney general nor an assistant
31 attorney general to carry out any function of the attorney general
32 prescribed in (~~this~~) chapter 42.17 RCW.

33 **Sec. 109.** RCW 42.30.120 and 1985 c 69 s 1 are each amended to read
34 as follows:

35 (1) Each member of the governing body who attends a meeting of such

1 governing body where action is taken in violation of any provision of
2 this chapter applicable to him or her, with knowledge of the fact that
3 the meeting is in violation thereof, shall be subject to personal
4 liability in the form of a civil penalty in the amount of one hundred
5 dollars. The civil penalty shall be assessed by a judge of the
6 superior court and an action to enforce this penalty may be brought by
7 any person. A violation of this chapter does not constitute a crime
8 and assessment of the civil penalty by a judge shall not give rise to
9 any disability or legal disadvantage based on conviction of a criminal
10 offense.

11 (2) Any person may file a complaint alleging a violation of this
12 chapter with the public disclosure commission for investigation and
13 adjudication pursuant to its powers under chapter 43.-- RCW (the new
14 chapter created in section 301 of this act).

15 (3) Any person who prevails against a public agency in any action
16 in the courts for a violation of this chapter shall be awarded all
17 costs, including reasonable attorneys' fees, incurred in connection
18 with such legal action. Pursuant to RCW 4.84.185, any public agency
19 (~~who~~) that prevails in any action in the courts for a violation of
20 this chapter may be awarded reasonable expenses and attorneys' fees
21 upon final judgment and written findings by the trial judge that the
22 action was frivolous and advanced without reasonable cause.

23 NEW SECTION. Sec. 110. A new section is added to chapter 42.56
24 RCW to read as follows:

25 Whenever a state or local agency concludes that a public record is
26 exempt from disclosure and denies a person opportunity to inspect or
27 copy a public record for that reason, the person may file a complaint
28 with the public disclosure commission. The public disclosure
29 commission shall investigate and adjudicate the complaint pursuant to
30 its powers under chapter 43.--- RCW (the new chapter created in section
31 301 of this act).

32 **PART II**
33 **STATUTORY REFERENCES**

34 **Sec. 201.** RCW 18.25.210 and 2008 c 134 s 31 are each amended to
35 read as follows:

1 (1) The commission may conduct a pilot project to evaluate the
2 effect of granting the commission additional authority over budget
3 development, spending, and staffing. If the commission intends to
4 conduct a pilot project, it must provide a notice in writing to the
5 secretary by June 1, 2008. If the commission chooses to conduct a
6 pilot project, the pilot project shall begin on July 1, 2008, and
7 conclude on June 30, 2013.

8 (2) The pilot project shall include the following provisions:

9 (a) That the secretary shall employ an executive director that is:

10 (i) Hired by and serves at the pleasure of the commission;

11 (ii) Exempt from the provisions of the civil service law, chapter
12 41.06 RCW and whose salary is established by the commission in
13 accordance with RCW 43.03.028 and 42.17.370 (as recodified by this
14 act); and

15 (iii) Responsible for performing all administrative duties of the
16 commission, including preparing an annual budget, and any other duties
17 as delegated to the executive director by the commission;

18 (b) Consistent with the budgeting and accounting act:

19 (i) With regard to budget for the remainder of the 2007-2009
20 biennium, the commission has authority to spend the remaining funds
21 allocated with respect to chiropractors licensed under this chapter;
22 and

23 (ii) Beginning with the 2009-2011 biennium, the commission is
24 responsible for proposing its own biennial budget which the secretary
25 must submit to the office of financial management;

26 (c) That, prior to adopting credentialing fees under RCW 43.70.250,
27 the secretary shall collaborate with the commission to determine the
28 appropriate fees necessary to support the activities of the commission;

29 (d) That, prior to the secretary exercising the secretary's
30 authority to adopt uniform rules and guidelines, or any other actions
31 that might impact the licensing or disciplinary authority of the
32 commission, the secretary shall first meet with the commission to
33 determine how those rules or guidelines, or changes to rules or
34 guidelines, might impact the commission's ability to effectively carry
35 out its statutory duties. If the commission, in consultation with the
36 secretary, determines that the proposed rules or guidelines, or changes
37 to existing rules or guidelines, will negatively impact the
38 commission's ability to effectively carry out its statutory duties,

1 then the individual commission shall collaborate with the secretary to
2 develop alternative solutions to mitigate the impacts. If an
3 alternative solution cannot be reached, the parties may resolve the
4 dispute through a mediator as set forth in (f) of this subsection;

5 (e) That the commission shall negotiate with the secretary to
6 develop performance-based expectations, including identification of key
7 performance measures. The performance expectations should focus on
8 consistent, timely regulation of health care professionals; and

9 (f) That in the event there is a disagreement between the
10 commission and the secretary, that is unable to be resolved through
11 negotiation, a representative of both parties shall agree on the
12 designation of a third party to mediate the dispute.

13 (3) By December 15, 2013, the secretary, the commission, and the
14 other commissions conducting similar pilot projects under RCW
15 18.71.430, 18.79.390, and 18.32.765, shall report to the governor and
16 the legislature on the results of the pilot project. The report shall:

17 (a) Compare the effectiveness of licensing and disciplinary
18 activities of each commission during the pilot project with the
19 licensing and disciplinary activities of the commission prior to the
20 pilot project and the disciplinary activities of other disciplining
21 authorities during the same time period as the pilot project;

22 (b) Compare the efficiency of each commission with respect to the
23 timeliness and personnel resources during the pilot project to the
24 efficiency of the commission prior to the pilot project and the
25 efficiency of other disciplining authorities during the same period as
26 the pilot project;

27 (c) Compare the budgetary activity of each commission during the
28 pilot project to the budgetary activity of the commission prior to the
29 pilot project and to the budgetary activity of other disciplining
30 authorities during the same period as the pilot project;

31 (d) Evaluate each commission's regulatory activities, including
32 timelines, consistency of decision making, and performance levels in
33 comparison to other disciplining authorities; and

34 (e) Review summaries of national research and data regarding
35 regulatory effectiveness and patient safety.

36 (4) The secretary shall employ staff that are hired and managed by
37 the executive director provided that nothing contained in this section

1 may be construed to alter any existing collective bargaining unit or
2 the provisions of any existing collective bargaining agreement.

3 **Sec. 202.** RCW 18.32.765 and 2008 c 134 s 32 are each amended to
4 read as follows:

5 (1) The commission may conduct a pilot project to evaluate the
6 effect of granting the commission additional authority over budget
7 development, spending, and staffing. If the commission intends to
8 conduct a pilot project, it must provide a notice in writing to the
9 secretary by June 1, 2008. If the commission chooses to conduct a
10 pilot project, the pilot project shall begin on July 1, 2008, and
11 conclude on June 30, 2013.

12 (2) The pilot project shall include the following provisions:

13 (a) That the secretary shall employ an executive director that is:

14 (i) Hired by and serves at the pleasure of the commission;

15 (ii) Exempt from the provisions of the civil service law, chapter
16 41.06 RCW and whose salary is established by the commission in
17 accordance with RCW 43.03.028 and 42.17.370 (as recodified by this
18 act); and

19 (iii) Responsible for performing all administrative duties of the
20 commission, including preparing an annual budget, and any other duties
21 as delegated to the executive director by the commission;

22 (b) Consistent with the budgeting and accounting act:

23 (i) With regard to budget for the remainder of the 2007-2009
24 biennium, the commission has authority to spend the remaining funds
25 allocated with respect to its professions, dentists licensed under this
26 chapter and expanded function dental auxiliaries and dental assistants
27 regulated under chapter 18.260 RCW; and

28 (ii) Beginning with the 2009-2011 biennium, the commission is
29 responsible for proposing its own biennial budget which the secretary
30 must submit to the office of financial management;

31 (c) That, prior to adopting credentialing fees under RCW 43.70.250,
32 the secretary shall collaborate with the commission to determine the
33 appropriate fees necessary to support the activities of the commission;

34 (d) That, prior to the secretary exercising the secretary's
35 authority to adopt uniform rules and guidelines, or any other actions
36 that might impact the licensing or disciplinary authority of the
37 commission, the secretary shall first meet with the commission to

1 determine how those rules or guidelines, or changes to rules or
2 guidelines, might impact the commission's ability to effectively carry
3 out its statutory duties. If the commission, in consultation with the
4 secretary, determines that the proposed rules or guidelines, or changes
5 to existing rules or guidelines, will negatively impact the
6 commission's ability to effectively carry out its statutory duties,
7 then the individual commission shall collaborate with the secretary to
8 develop alternative solutions to mitigate the impacts. If an
9 alternative solution cannot be reached, the parties may resolve the
10 dispute through a mediator as set forth in (f) of this subsection;

11 (e) That the commission shall negotiate with the secretary to
12 develop performance-based expectations, including identification of key
13 performance measures. The performance expectations should focus on
14 consistent, timely regulation of health care professionals; and

15 (f) That in the event there is a disagreement between the
16 commission and the secretary, that is unable to be resolved through
17 negotiation, a representative of both parties shall agree on the
18 designation of a third party to mediate the dispute.

19 (3) By December 15, 2013, the secretary, the commission, and the
20 other commissions conducting similar pilot projects under RCW
21 18.71.430, 18.79.390, and 18.25.210, shall report to the governor and
22 the legislature on the results of the pilot project. The report shall:

23 (a) Compare the effectiveness of licensing and disciplinary
24 activities of each commission during the pilot project with the
25 licensing and disciplinary activities of the commission prior to the
26 pilot project and the disciplinary activities of other disciplining
27 authorities during the same time period as the pilot project;

28 (b) Compare the efficiency of each commission with respect to the
29 timeliness and personnel resources during the pilot project to the
30 efficiency of the commission prior to the pilot project and the
31 efficiency of other disciplining authorities during the same period as
32 the pilot project;

33 (c) Compare the budgetary activity of each commission during the
34 pilot project to the budgetary activity of the commission prior to the
35 pilot project and to the budgetary activity of other disciplining
36 authorities during the same period as the pilot project;

37 (d) Evaluate each commission's regulatory activities, including

1 timelines, consistency of decision making, and performance levels in
2 comparison to other disciplining authorities; and

3 (e) Review summaries of national research and data regarding
4 regulatory effectiveness and patient safety.

5 (4) The secretary shall employ staff that are hired and managed by
6 the executive director provided that nothing contained in this section
7 may be construed to alter any existing collective bargaining unit or
8 the provisions of any existing collective bargaining agreement.

9 **Sec. 203.** RCW 18.71.430 and 2008 c 134 s 29 are each amended to
10 read as follows:

11 (1) The commission shall conduct a pilot project to evaluate the
12 effect of granting the commission additional authority over budget
13 development, spending, and staffing. The pilot project shall begin on
14 July 1, 2008, and conclude on June 30, 2013.

15 (2) The pilot project shall include the following provisions:

16 (a) That the secretary shall employ an executive director that is:

17 (i) Hired by and serves at the pleasure of the commission;

18 (ii) Exempt from the provisions of the civil service law, chapter
19 41.06 RCW and whose salary is established by the commission in
20 accordance with RCW 43.03.028 and 42.17.370 (as recodified by this
21 act); and

22 (iii) Responsible for performing all administrative duties of the
23 commission, including preparing an annual budget, and any other duties
24 as delegated to the executive director by the commission;

25 (b) Consistent with the budgeting and accounting act:

26 (i) With regard to budget for the remainder of the 2007-2009
27 biennium, the commission has authority to spend the remaining funds
28 allocated with respect to its professions, physicians regulated under
29 this chapter and physician assistants regulated under chapter 18.71A
30 RCW; and

31 (ii) Beginning with the 2009-2011 biennium, the commission is
32 responsible for proposing its own biennial budget which the secretary
33 must submit to the office of financial management;

34 (c) That, prior to adopting credentialing fees under RCW 43.70.250,
35 the secretary shall collaborate with the commission to determine the
36 appropriate fees necessary to support the activities of the commission;

1 (d) That, prior to the secretary exercising the secretary's
2 authority to adopt uniform rules and guidelines, or any other actions
3 that might impact the licensing or disciplinary authority of the
4 commission, the secretary shall first meet with the commission to
5 determine how those rules or guidelines, or changes to rules or
6 guidelines, might impact the commission's ability to effectively carry
7 out its statutory duties. If the commission, in consultation with the
8 secretary, determines that the proposed rules or guidelines, or changes
9 to existing rules or guidelines, will negatively impact the
10 commission's ability to effectively carry out its statutory duties,
11 then the individual commission shall collaborate with the secretary to
12 develop alternative solutions to mitigate the impacts. If an
13 alternative solution cannot be reached, the parties may resolve the
14 dispute through a mediator as set forth in (f) of this subsection;

15 (e) That the commission shall negotiate with the secretary to
16 develop performance-based expectations, including identification of key
17 performance measures. The performance expectations should focus on
18 consistent, timely regulation of health care professionals; and

19 (f) That in the event there is a disagreement between the
20 commission and the secretary, that is unable to be resolved through
21 negotiation, a representative of both parties shall agree on the
22 designation of a third party to mediate the dispute.

23 (3) By December 15, 2013, the secretary, the commission, and the
24 other commissions conducting similar pilot projects under RCW
25 18.79.390, 18.25.210, and 18.32.765, shall report to the governor and
26 the legislature on the results of the pilot project. The report shall:

27 (a) Compare the effectiveness of licensing and disciplinary
28 activities of each commission during the pilot project with the
29 licensing and disciplinary activities of the commission prior to the
30 pilot project and the disciplinary activities of other disciplining
31 authorities during the same time period as the pilot project;

32 (b) Compare the efficiency of each commission with respect to the
33 timeliness and personnel resources during the pilot project to the
34 efficiency of the commission prior to the pilot project and the
35 efficiency of other disciplining authorities during the same period as
36 the pilot project;

37 (c) Compare the budgetary activity of each commission during the

1 pilot project to the budgetary activity of the commission prior to the
2 pilot project and to the budgetary activity of other disciplining
3 authorities during the same period as the pilot project;

4 (d) Evaluate each commission's regulatory activities, including
5 timelines, consistency of decision making, and performance levels in
6 comparison to other disciplining authorities; and

7 (e) Review summaries of national research and data regarding
8 regulatory effectiveness and patient safety.

9 (4) The secretary shall employ staff that are hired and managed by
10 the executive director provided that nothing contained in this section
11 may be construed to alter any existing collective bargaining unit or
12 the provisions of any existing collective bargaining agreement.

13 **Sec. 204.** RCW 18.79.390 and 2008 c 134 s 30 are each amended to
14 read as follows:

15 (1) The commission shall conduct a pilot project to evaluate the
16 effect of granting the commission additional authority over budget
17 development, spending, and staffing. The pilot project shall begin on
18 July 1, 2008, and conclude on June 30, 2013.

19 (2) The pilot project shall include the following provisions:

20 (a) That the secretary shall employ an executive director that is:

21 (i) Hired by and serves at the pleasure of the commission;

22 (ii) Exempt from the provisions of the civil service law, chapter
23 41.06 RCW and whose salary is established by the commission in
24 accordance with RCW 43.03.028 and 42.17.370 (as recodified by this
25 act); and

26 (iii) Responsible for performing all administrative duties of the
27 commission, including preparing an annual budget, and any other duties
28 as delegated to the executive director by the commission;

29 (b) Consistent with the budgeting and accounting act:

30 (i) With regard to budget for the remainder of the 2007-2009
31 biennium, the commission has authority to spend the remaining funds
32 allocated with respect to advanced registered nurses, registered
33 nurses, and licensed practical nurses regulated under this chapter; and

34 (ii) Beginning with the 2009-2011 biennium, the commission is
35 responsible for proposing its own biennial budget which the secretary
36 must submit to the office of financial management;

1 (c) That, prior to adopting credentialing fees under RCW 43.70.250,
2 the secretary shall collaborate with the commission to determine the
3 appropriate fees necessary to support the activities of the commission;

4 (d) That, prior to the secretary exercising the secretary's
5 authority to adopt uniform rules and guidelines, or any other actions
6 that might impact the licensing or disciplinary authority of the
7 commission, the secretary shall first meet with the commission to
8 determine how those rules or guidelines, or changes to rules or
9 guidelines, might impact the commission's ability to effectively carry
10 out its statutory duties. If the commission, in consultation with the
11 secretary, determines that the proposed rules or guidelines, or changes
12 to existing rules or guidelines, will negatively impact the
13 commission's ability to effectively carry out its statutory duties,
14 then the individual commission shall collaborate with the secretary to
15 develop alternative solutions to mitigate the impacts. If an
16 alternative solution cannot be reached, the parties may resolve the
17 dispute through a mediator as set forth in (f) of this subsection;

18 (e) That the commission shall negotiate with the secretary to
19 develop performance-based expectations, including identification of key
20 performance measures. The performance expectations should focus on
21 consistent, timely regulation of health care professionals; and

22 (f) That in the event there is a disagreement between the
23 commission and the secretary, that is unable to be resolved through
24 negotiation, a representative of both parties shall agree on the
25 designation of a third party to mediate the dispute.

26 (3) By December 15, 2013, the secretary, the commission, and the
27 other commissions conducting similar pilot projects under RCW
28 18.71.430, 18.25.210, and 18.32.765, shall report to the governor and
29 the legislature on the results of the pilot project. The report shall:

30 (a) Compare the effectiveness of licensing and disciplinary
31 activities of each commission during the pilot project with the
32 licensing and disciplinary activities of the commission prior to the
33 pilot project and the disciplinary activities of other disciplining
34 authorities during the same time period as the pilot project;

35 (b) Compare the efficiency of each commission with respect to the
36 timeliness and personnel resources during the pilot project to the
37 efficiency of the commission prior to the pilot project and the

1 efficiency of other disciplining authorities during the same period as
2 the pilot project;

3 (c) Compare the budgetary activity of each commission during the
4 pilot project to the budgetary activity of the commission prior to the
5 pilot project and to the budgetary activity of other disciplining
6 authorities during the same period as the pilot project;

7 (d) Evaluate each commission's regulatory activities, including
8 timelines, consistency of decision making, and performance levels in
9 comparison to other disciplining authorities; and

10 (e) Review summaries of national research and data regarding
11 regulatory effectiveness and patient safety.

12 (4) The secretary shall employ staff that are hired and managed by
13 the executive director provided that nothing contained in this section
14 may be construed to alter any existing collective bargaining unit or
15 the provisions of any existing collective bargaining agreement.

16 **Sec. 205.** RCW 29A.04.225 and 2005 c 274 s 248 are each amended to
17 read as follows:

18 Each county auditor or county elections official shall ensure that
19 reports filed pursuant to chapter 42.56 RCW are arranged, handled,
20 indexed, and disclosed in a manner consistent with the rules of the
21 public disclosure commission adopted under RCW 42.17.375 (as recodified
22 by this act).

23 **Sec. 206.** RCW 42.17.020 and 2008 c 6 s 201 are each amended to
24 read as follows:

25 The definitions in this section apply throughout this chapter
26 unless the context clearly requires otherwise.

27 (1) "Actual malice" means to act with knowledge of falsity or with
28 reckless disregard as to truth or falsity.

29 (2) "Agency" includes all state agencies and all local agencies.
30 "State agency" includes every state office, department, division,
31 bureau, board, commission, or other state agency. "Local agency"
32 includes every county, city, town, municipal corporation, quasi-
33 municipal corporation, or special purpose district, or any office,
34 department, division, bureau, board, commission, or agency thereof, or
35 other local public agency.

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

5 (4) "Ballot proposition" means any "measure" as defined by RCW
6 29A.04.091, or any initiative, recall, or referendum proposition
7 proposed to be submitted to the voters of the state or any municipal
8 corporation, political subdivision, or other voting constituency from
9 and after the time when the proposition has been initially filed with
10 the appropriate election officer of that constituency prior to its
11 circulation for signatures.

12 (5) "Benefit" means a commercial, proprietary, financial, economic,
13 or monetary advantage, or the avoidance of a commercial, proprietary,
14 financial, economic, or monetary disadvantage.

15 (6) "Bona fide political party" means:

16 (a) An organization that has filed a valid certificate of
17 nomination with the secretary of state under chapter 29A.20 RCW;

18 (b) The governing body of the state organization of a major
19 political party, as defined in RCW 29A.04.086, that is the body
20 authorized by the charter or bylaws of the party to exercise authority
21 on behalf of the state party; or

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

25 (7) "Depository" means a bank designated by a candidate or
26 political committee pursuant to RCW 42.17.050.

27 (8) "Treasurer" and "deputy treasurer" mean the individuals
28 appointed by a candidate or political committee, pursuant to RCW
29 42.17.050, to perform the duties specified in that section.

30 (9) "Candidate" means any individual who seeks nomination for
31 election or election to public office. An individual seeks nomination
32 or election when he or she first:

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

35 (b) Announces publicly or files for office;

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

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

3 (10) "Caucus political committee" means a political committee
4 organized and maintained by the members of a major political party in
5 the state senate or state house of representatives.

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

12 (12) "Commission" means the agency established under RCW 42.17.350
13 (as recodified by this act).

14 (13) "Compensation" unless the context requires a narrower meaning,
15 includes payment in any form for real or personal property or services
16 of any kind: PROVIDED, That for the purpose of compliance with RCW
17 42.17.241, the term "compensation" shall not include per diem
18 allowances or other payments made by a governmental entity to reimburse
19 a public official for expenses incurred while the official is engaged
20 in the official business of the governmental entity.

21 (14) "Continuing political committee" means a political committee
22 that is an organization of continuing existence not established in
23 anticipation of any particular election campaign.

24 (15)(a) "Contribution" includes:

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

29 (ii) An expenditure made by a person in cooperation, consultation,
30 or concert with, or at the request or suggestion of, a candidate, a
31 political committee, the person or persons named on the candidate's or
32 committee's registration form who direct expenditures on behalf of the
33 candidate or committee, or their agents;

34 (iii) The financing by a person of the dissemination, distribution,
35 or republication, in whole or in part, of broadcast, written, graphic,
36 or other form of political advertising or electioneering communication
37 prepared by a candidate, a political committee, or its authorized
38 agent;

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

4 (b) "Contribution" does not include:

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

7 (ii) Ordinary home hospitality;

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

11 (iv) A news item, feature, commentary, or editorial in a regularly
12 scheduled news medium that is of primary interest to the general
13 public, that is in a news medium controlled by a person whose business
14 is that news medium, and that is not controlled by a candidate or a
15 political committee;

16 (v) An internal political communication primarily limited to the
17 members of or contributors to a political party organization or
18 political committee, or to the officers, management staff, or
19 stockholders of a corporation or similar enterprise, or to the members
20 of a labor organization or other membership organization;

21 (vi) The rendering of personal services of the sort commonly
22 performed by volunteer campaign workers, or incidental expenses
23 personally incurred by volunteer campaign workers not in excess of
24 fifty dollars personally paid for by the worker. "Volunteer services,"
25 for the purposes of this section, means services or labor for which the
26 individual is not compensated by any person;

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

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

34 (A) A political party or caucus political committee if the person
35 paying for the services is the regular employer of the person rendering
36 such services; or

37 (B) A candidate or an authorized committee if the person paying for

1 the services is the regular employer of the individual rendering the
2 services and if the services are solely for the purpose of ensuring
3 compliance with state election or public disclosure laws; or

4 (ix) The performance of ministerial functions by a person on behalf
5 of two or more candidates or political committees either as volunteer
6 services defined in (b)(vi) of this subsection or for payment by the
7 candidate or political committee for whom the services are performed as
8 long as:

9 (A) The person performs solely ministerial functions;

10 (B) A person who is paid by two or more candidates or political
11 committees is identified by the candidates and political committees on
12 whose behalf services are performed as part of their respective
13 statements of organization under RCW 42.17.040; and

14 (C) The person does not disclose, except as required by law, any
15 information regarding a candidate's or committee's plans, projects,
16 activities, or needs, or regarding a candidate's or committee's
17 contributions or expenditures that is not already publicly available
18 from campaign reports filed with the commission, or otherwise engage in
19 activity that constitutes a contribution under (a)(ii) of this
20 subsection.

21 A person who performs ministerial functions under this subsection
22 (15)(b)(ix) is not considered an agent of the candidate or committee as
23 long as he or she has no authority to authorize expenditures or make
24 decisions on behalf of the candidate or committee.

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

32 (16) "Elected official" means any person elected at a general or
33 special election to any public office, and any person appointed to fill
34 a vacancy in any such office.

35 (17) "Election" includes any primary, general, or special election
36 for public office and any election in which a ballot proposition is
37 submitted to the voters: PROVIDED, That an election in which the
38 qualifications for voting include other than those requirements set

1 forth in Article VI, section 1 (Amendment 63) of the Constitution of
2 the state of Washington shall not be considered an election for
3 purposes of this chapter.

4 (18) "Election campaign" means any campaign in support of or in
5 opposition to a candidate for election to public office and any
6 campaign in support of, or in opposition to, a ballot proposition.

7 (19) "Election cycle" means the period beginning on the first day
8 of January after the date of the last previous general election for the
9 office that the candidate seeks and ending on December 31st after the
10 next election for the office. In the case of a special election to
11 fill a vacancy in an office, "election cycle" means the period
12 beginning on the day the vacancy occurs and ending on December 31st
13 after the special election.

14 (20) "Electioneering communication" means any broadcast, cable, or
15 satellite television or radio transmission, United States postal
16 service mailing, billboard, newspaper, or periodical that:

17 (a) Clearly identifies a candidate for a state, local, or judicial
18 office either by specifically naming the candidate, or identifying the
19 candidate without using the candidate's name;

20 (b) Is broadcast, transmitted, mailed, erected, distributed, or
21 otherwise published within sixty days before any election for that
22 office in the jurisdiction in which the candidate is seeking election;
23 and

24 (c) Either alone, or in combination with one or more communications
25 identifying the candidate by the same sponsor during the sixty days
26 before an election, has a fair market value of five thousand dollars or
27 more.

28 (21) "Electioneering communication" does not include:

29 (a) Usual and customary advertising of a business owned by a
30 candidate, even if the candidate is mentioned in the advertising when
31 the candidate has been regularly mentioned in that advertising
32 appearing at least twelve months preceding his or her becoming a
33 candidate;

34 (b) Advertising for candidate debates or forums when the
35 advertising is paid for by or on behalf of the debate or forum sponsor,
36 so long as two or more candidates for the same position have been
37 invited to participate in the debate or forum;

1 (c) A news item, feature, commentary, or editorial in a regularly
2 scheduled news medium that is:

3 (i) Of primary interest to the general public;

4 (ii) In a news medium controlled by a person whose business is that
5 news medium; and

6 (iii) Not a medium controlled by a candidate or a political
7 committee;

8 (d) Slate cards and sample ballots;

9 (e) Advertising for books, films, dissertations, or similar works
10 (i) written by a candidate when the candidate entered into a contract
11 for such publications or media at least twelve months before becoming
12 a candidate, or (ii) written about a candidate;

13 (f) Public service announcements;

14 (g) A mailed internal political communication primarily limited to
15 the members of or contributors to a political party organization or
16 political committee, or to the officers, management staff, or
17 stockholders of a corporation or similar enterprise, or to the members
18 of a labor organization or other membership organization;

19 (h) An expenditure by or contribution to the authorized committee
20 of a candidate for state, local, or judicial office; or

21 (i) Any other communication exempted by the commission through rule
22 consistent with the intent of this chapter.

23 (22) "Expenditure" includes a payment, contribution, subscription,
24 distribution, loan, advance, deposit, or gift of money or anything of
25 value, and includes a contract, promise, or agreement, whether or not
26 legally enforceable, to make an expenditure. The term "expenditure"
27 also includes a promise to pay, a payment, or a transfer of anything of
28 value in exchange for goods, services, property, facilities, or
29 anything of value for the purpose of assisting, benefiting, or honoring
30 any public official or candidate, or assisting in furthering or
31 opposing any election campaign. For the purposes of this chapter,
32 agreements to make expenditures, contracts, and promises to pay may be
33 reported as estimated obligations until actual payment is made. The
34 term "expenditure" shall not include the partial or complete repayment
35 by a candidate or political committee of the principal of a loan, the
36 receipt of which loan has been properly reported.

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

1 (24) "General election" for the purposes of RCW 42.17.640 means the
2 election that results in the election of a person to a state office.
3 It does not include a primary.

4 (25) "Gift," is as defined in RCW 42.52.010.

5 (26) "Immediate family" includes the spouse or domestic partner,
6 dependent children, and other dependent relatives, if living in the
7 household. For the purposes of RCW 42.17.640 through 42.17.790,
8 "immediate family" means an individual's spouse or domestic partner,
9 and child, stepchild, grandchild, parent, stepparent, grandparent,
10 brother, half brother, sister, or half sister of the individual and the
11 spouse or the domestic partner of any such person and a child,
12 stepchild, grandchild, parent, stepparent, grandparent, brother, half
13 brother, sister, or half sister of the individual's spouse or domestic
14 partner and the spouse or the domestic partner of any such person.

15 (27) "Incumbent" means a person who is in present possession of an
16 elected office.

17 (28) "Independent expenditure" means an expenditure that has each
18 of the following elements:

19 (a) It is made in support of or in opposition to a candidate for
20 office by a person who is not (i) a candidate for that office, (ii) an
21 authorized committee of that candidate for that office, (iii) a person
22 who has received the candidate's encouragement or approval to make the
23 expenditure, if the expenditure pays in whole or in part for political
24 advertising supporting that candidate or promoting the defeat of any
25 other candidate or candidates for that office, or (iv) a person with
26 whom the candidate has collaborated for the purpose of making the
27 expenditure, if the expenditure pays in whole or in part for political
28 advertising supporting that candidate or promoting the defeat of any
29 other candidate or candidates for that office;

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

34 (c) The expenditure, alone or in conjunction with another
35 expenditure or other expenditures of the same person in support of or
36 opposition to that candidate, has a value of five hundred dollars or
37 more. A series of expenditures, each of which is under five hundred

1 dollars, constitutes one independent expenditure if their cumulative
2 value is five hundred dollars or more.

3 (29)(a) "Intermediary" means an individual who transmits a
4 contribution to a candidate or committee from another person unless the
5 contribution is from the individual's employer, immediate family as
6 defined for purposes of RCW 42.17.640 through 42.17.790, or an
7 association to which the individual belongs.

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

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

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

15 (30) "Legislation" means bills, resolutions, motions, amendments,
16 nominations, and other matters pending or proposed in either house of
17 the state legislature, and includes any other matter that may be the
18 subject of action by either house or any committee of the legislature
19 and all bills and resolutions that, having passed both houses, are
20 pending approval by the governor.

21 (31) "Lobby" and "lobbying" each mean attempting to influence the
22 passage or defeat of any legislation by the legislature of the state of
23 Washington, or the adoption or rejection of any rule, standard, rate,
24 or other legislative enactment of any state agency under the state
25 administrative procedure act, chapter 34.05 RCW. Neither "lobby" nor
26 "lobbying" includes an association's or other organization's act of
27 communicating with the members of that association or organization.

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

30 (33) "Lobbyist's employer" means the person or persons by whom a
31 lobbyist is employed and all persons by whom he or she is compensated
32 for acting as a lobbyist.

33 (34) "Ministerial functions" means an act or duty carried out as
34 part of the duties of an administrative office without exercise of
35 personal judgment or discretion.

36 (35) "Participate" means that, with respect to a particular
37 election, an entity:

38 (a) Makes either a monetary or in-kind contribution to a candidate;

1 (b) Makes an independent expenditure or electioneering
2 communication in support of or opposition to a candidate;

3 (c) Endorses a candidate prior to contributions being made by a
4 subsidiary corporation or local unit with respect to that candidate or
5 that candidate's opponent;

6 (d) Makes a recommendation regarding whether a candidate should be
7 supported or opposed prior to a contribution being made by a subsidiary
8 corporation or local unit with respect to that candidate or that
9 candidate's opponent; or

10 (e) Directly or indirectly collaborates or consults with a
11 subsidiary corporation or local unit on matters relating to the support
12 of or opposition to a candidate, including, but not limited to, the
13 amount of a contribution, when a contribution should be given, and what
14 assistance, services or independent expenditures, or electioneering
15 communications, if any, will be made or should be made in support of or
16 opposition to a candidate.

17 (36) "Person" includes an individual, partnership, joint venture,
18 public or private corporation, association, federal, state, or local
19 governmental entity or agency however constituted, candidate,
20 committee, political committee, political party, executive committee
21 thereof, or any other organization or group of persons, however
22 organized.

23 (37) "Person in interest" means the person who is the subject of a
24 record or any representative designated by that person, except that if
25 that person is under a legal disability, the term "person in interest"
26 means and includes the parent or duly appointed legal representative.

27 (38) "Political advertising" includes any advertising displays,
28 newspaper ads, billboards, signs, brochures, articles, tabloids,
29 flyers, letters, radio or television presentations, or other means of
30 mass communication, used for the purpose of appealing, directly or
31 indirectly, for votes or for financial or other support or opposition
32 in any election campaign.

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

37 (40) "Primary" for the purposes of RCW 42.17.640 means the

1 procedure for nominating a candidate to state office under chapter
2 29A.52 RCW or any other primary for an election that uses, in large
3 measure, the procedures established in chapter 29A.52 RCW.

4 (41) "Public office" means any federal, state, judicial, county,
5 city, town, school district, port district, special district, or other
6 state political subdivision elective office.

7 (42) "Public record" includes any writing containing information
8 relating to the conduct of government or the performance of any
9 governmental or proprietary function prepared, owned, used, or retained
10 by any state or local agency regardless of physical form or
11 characteristics. For the office of the secretary of the senate and the
12 office of the chief clerk of the house of representatives, public
13 records means legislative records as defined in RCW 40.14.100 and also
14 means the following: All budget and financial records; personnel
15 leave, travel, and payroll records; records of legislative sessions;
16 reports submitted to the legislature; and any other record designated
17 a public record by any official action of the senate or the house of
18 representatives.

19 (43) "Recall campaign" means the period of time beginning on the
20 date of the filing of recall charges under RCW 29A.56.120 and ending
21 thirty days after the recall election.

22 (44) "Sponsor of an electioneering communications, independent
23 expenditures, or political advertising" means the person paying for the
24 electioneering communication, independent expenditure, or political
25 advertising. If a person acts as an agent for another or is reimbursed
26 by another for the payment, the original source of the payment is the
27 sponsor.

28 (45) "State legislative office" means the office of a member of the
29 state house of representatives or the office of a member of the state
30 senate.

31 (46) "State office" means state legislative office or the office of
32 governor, lieutenant governor, secretary of state, attorney general,
33 commissioner of public lands, insurance commissioner, superintendent of
34 public instruction, state auditor, or state treasurer.

35 (47) "State official" means a person who holds a state office.

36 (48) "Surplus funds" mean, in the case of a political committee or
37 candidate, the balance of contributions that remain in the possession
38 or control of that committee or candidate subsequent to the election

1 for which the contributions were received, and that are in excess of
2 the amount necessary to pay remaining debts incurred by the committee
3 or candidate prior to that election. In the case of a continuing
4 political committee, "surplus funds" mean those contributions remaining
5 in the possession or control of the committee that are in excess of the
6 amount necessary to pay all remaining debts when it makes its final
7 report under RCW 42.17.065.

8 (49) "Writing" means handwriting, typewriting, printing,
9 photostating, photographing, and every other means of recording any
10 form of communication or representation, including, but not limited to,
11 letters, words, pictures, sounds, or symbols, or combination thereof,
12 and all papers, maps, magnetic or paper tapes, photographic films and
13 prints, motion picture, film and video recordings, magnetic or punched
14 cards, discs, drums, diskettes, sound recordings, and other documents
15 including existing data compilations from which information may be
16 obtained or translated.

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

19 **Sec. 207.** RCW 42.17.3691 and 2000 c 237 s 4 are each amended to
20 read as follows:

21 (1) Beginning January 1, 2002, each candidate or political
22 committee that expended twenty-five thousand dollars or more in the
23 preceding year or expects to expend twenty-five thousand dollars or
24 more in the current year shall file all contribution reports and
25 expenditure reports required by this chapter by the electronic
26 alternative provided by the commission under RCW 42.17.369 (as
27 recodified by this act). The commission may make exceptions on a case-
28 by-case basis for candidates whose authorized committees lack the
29 technological ability to file reports using the electronic alternative
30 provided by the commission.

31 (2) Beginning January 1, 2004, each candidate or political
32 committee that expended ten thousand dollars or more in the preceding
33 year or expects to expend ten thousand dollars or more in the current
34 year shall file all contribution reports and expenditure reports
35 required by this chapter by the electronic alternative provided by the
36 commission under RCW 42.17.369 (as recodified by this act). The

1 commission may make exceptions on a case-by-case basis for candidates
2 whose authorized committees lack the technological ability to file
3 reports using the electronic alternative provided by the commission.

4 (3) Failure by a candidate or political committee to comply with
5 this section is a violation of this chapter.

6 **Sec. 208.** RCW 42.17.395 and 2006 c 315 s 3 are each amended to
7 read as follows:

8 (1) The commission may (a) determine whether an actual violation of
9 this chapter has occurred; and (b) issue and enforce an appropriate
10 order following such determination.

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

16 (3) In lieu of holding a hearing or issuing an order under this
17 section, the commission may refer the matter to the attorney general or
18 other enforcement agency as provided in RCW 42.17.360 (as recodified by
19 this act).

20 (4) The person against whom an order is directed under this section
21 shall be designated as the respondent. The order may require the
22 respondent to cease and desist from the activity that constitutes a
23 violation and in addition, or alternatively, may impose one or more of
24 the remedies provided in RCW 42.17.390 (2) through (5). No individual
25 penalty assessed by the commission may exceed one thousand seven
26 hundred dollars, and in any case where multiple violations are involved
27 in a single complaint or hearing, the maximum aggregate penalty may not
28 exceed four thousand two hundred dollars.

29 (5) An order issued by the commission under this section shall be
30 subject to judicial review under the administrative procedure act,
31 chapter 34.05 RCW. If the commission's order is not satisfied and no
32 petition for review is filed within thirty days as provided in RCW
33 34.05.542, the commission may petition a court of competent
34 jurisdiction of any county in which a petition for review could be
35 filed under that section, for an order of enforcement. Proceedings in
36 connection with the commission's petition shall be in accordance with
37 RCW 42.17.397.

1 **Sec. 209.** RCW 42.17.647 and 2006 c 348 s 3 are each amended to
2 read as follows:

3 The commission shall adopt rules to carry out the policies of
4 chapter 348, Laws of 2006 and is not subject to the time restrictions
5 of RCW 42.17.370(1) (as recodified by this act).

6 **Sec. 210.** RCW 42.17.660 and 2005 c 445 s 12 are each amended to
7 read as follows:

8 For purposes of this chapter:

9 (1) A contribution by a political committee with funds that have
10 all been contributed by one person who exercises exclusive control over
11 the distribution of the funds of the political committee is a
12 contribution by the controlling person.

13 (2) Two or more entities are treated as a single entity if one of
14 the two or more entities is a subsidiary, branch, or department of a
15 corporation that is participating in an election campaign or making
16 contributions, or a local unit or branch of a trade association, labor
17 union, or collective bargaining association that is participating in an
18 election campaign or making contributions. All contributions made by
19 a person or political committee whose contribution or expenditure
20 activity is financed, maintained, or controlled by a trade association,
21 labor union, collective bargaining organization, or the local unit of
22 a trade association, labor union, or collective bargaining organization
23 are considered made by the trade association, labor union, collective
24 bargaining organization, or local unit of a trade association, labor
25 union, or collective bargaining organization.

26 (3) The commission shall adopt rules to carry out this section and
27 is not subject to the time restrictions of RCW 42.17.370(1) (as
28 recodified by this act).

29 **Sec. 211.** RCW 42.17.690 and 1993 c 2 s 9 are each amended to read
30 as follows:

31 At the beginning of each even-numbered calendar year, the
32 commission shall increase or decrease all dollar amounts in this
33 chapter based on changes in economic conditions as reflected in the
34 inflationary index used by the commission under RCW 42.17.370 (as
35 recodified by this act). The new dollar amounts established by the
36 commission under this section shall be rounded off by the commission to

1 amounts as judged most convenient for public understanding and so as to
2 be within ten percent of the target amount equal to the base amount
3 provided in this chapter multiplied by the increase in the inflationary
4 index since December 3, 1992.

5 **Sec. 212.** RCW 43.70.695 and 2006 c 236 s 2 are each amended to
6 read as follows:

7 (1) The department, in collaboration with the workforce training
8 and education coordinating board, shall distribute survey questions for
9 the purpose of gathering data related to workforce supply and
10 demographics to all health care providers who hold a license to
11 practice a health profession. The department shall adopt a schedule
12 for distributing surveys by profession so that each profession is
13 surveyed every two years. In developing the survey, the department
14 shall seek advice from researchers that are likely to use the survey
15 data.

16 (2)(a) At a minimum, the survey shall include questions related to
17 understanding the following characteristics of individuals in the
18 health care workforce:

- 19 (i) Specialty;
- 20 (ii) Birthdate and gender;
- 21 (iii) Race and ethnicity;
- 22 (iv) Hours in practice per week;
- 23 (v) Practice statistics, including hours spent in direct patient
24 care;
- 25 (vi) Zip codes of the location where the provider practices;
- 26 (vii) Years in practice, years in practice in Washington, location
27 and years in practice in other jurisdictions;
- 28 (viii) Education and training background, including the location
29 and types of education and training received; and
- 30 (ix) Type of facilities where the provider practices.

31 (b) The department may approve proposals for the distribution of
32 surveys containing additional data elements to selected health care
33 professions if it determines that there is a legitimate research
34 interest in obtaining the information, the additional burden on members
35 of the health care profession is not unreasonable, the effect on survey
36 response rates is not unreasonable, and there are funds available. The

1 department may accept funds through contracts, grants, donations, or
2 other forms of contributions to support more detailed surveys.

3 (3) The department must make a public data set available that meets
4 the confidentiality requirements of subsection (5) of this section.
5 The department may respond to requests for data and other information
6 from the registry for special studies and analysis pursuant to a data-
7 sharing agreement. Any use of the data by the requestor must comply
8 with the confidentiality requirements of subsection (5) of this
9 section. The department may require requestors to pay any or all of
10 the reasonable costs associated with such requests that may be
11 approved.

12 (4) The failure to complete or return the survey may not be grounds
13 to withhold, fail to renew, or revoke a license or to impose any other
14 disciplinary sanctions against a credentialed health care provider.

15 (5) The department must process the surveys that it receives in
16 such a way that the identity of individual providers remains
17 confidential. Data elements related to the identification of
18 individual providers are confidential and are exempt from RCW 42.56.040
19 through 42.56.570 and 42.17.350 (as recodified by this act) through
20 42.17.450, except as provided in a data-sharing agreement approved by
21 the department pursuant to subsection (3) of this section.

22 (6) By July 1, 2009, the department shall provide a report to the
23 appropriate committees of the legislature on the effectiveness of using
24 a survey to obtain information on the supply of health care
25 professionals, the distribution and use of the information obtained by
26 the surveys by employers and health professions education and training
27 programs~~((+))~~, and the extent to which the surveys have alleviated
28 identified shortages of trained health care providers.

29 **Sec. 213.** RCW 43.370.050 and 2007 c 259 s 54 are each amended to
30 read as follows:

31 (1) The office may respond to requests for data and other
32 information from its computerized system for special studies and
33 analysis consistent with requirements for confidentiality of patient,
34 provider, and facility-specific records. The office may require
35 requestors to pay any or all of the reasonable costs associated with
36 such requests that might be approved.

1 (2) Data elements related to the identification of individual
2 patient's, provider's, and facility's care outcomes are confidential,
3 are exempt from RCW 42.56.030 through 42.56.570 and 42.17.350 (as
4 recodified by this act) through 42.17.450, and are not subject to
5 discovery by subpoena or admissible as evidence.

6 **Sec. 214.** RCW 70.168.090 and 2005 c 274 s 344 are each amended to
7 read as follows:

8 (1) By July 1991, the department shall establish a statewide data
9 registry to collect and analyze data on the incidence, severity, and
10 causes of trauma, including traumatic brain injury. The department
11 shall collect additional data on traumatic brain injury should
12 additional data requirements be enacted by the legislature. The
13 registry shall be used to improve the availability and delivery of
14 prehospital and hospital trauma care services. Specific data elements
15 of the registry shall be defined by rule by the department. To the
16 extent possible, the department shall coordinate data collection from
17 hospitals for the trauma registry with the health care data system
18 authorized in chapter 70.170 RCW. Every hospital, facility, or health
19 care provider authorized to provide level I, II, III, IV, or V trauma
20 care services, level I, II, or III pediatric trauma care services,
21 level I, level I-pediatric, II, or III trauma-related rehabilitative
22 services, and prehospital trauma-related services in the state shall
23 furnish data to the registry. All other hospitals and prehospital
24 providers shall furnish trauma data as required by the department by
25 rule.

26 The department may respond to requests for data and other
27 information from the registry for special studies and analysis
28 consistent with requirements for confidentiality of patient and quality
29 assurance records. The department may require requestors to pay any or
30 all of the reasonable costs associated with such requests that might be
31 approved.

32 (2) By January 1994, in each emergency medical services and trauma
33 care planning and service region, a regional emergency medical services
34 and trauma care systems quality assurance program shall be established
35 by those facilities authorized to provide levels I, II, and III trauma
36 care services. The systems quality assurance program shall evaluate
37 trauma care delivery, patient care outcomes, and compliance with the

1 requirements of this chapter. The emergency medical services medical
2 program director and all other health care providers and facilities who
3 provide trauma care services within the region shall be invited to
4 participate in the regional emergency medical services and trauma care
5 quality assurance program.

6 (3) Data elements related to the identification of individual
7 patient's, provider's and facility's care outcomes shall be
8 confidential, shall be exempt from RCW 42.56.030 through 42.56.570 and
9 42.17.350 (as recodified by this act) through 42.17.450, and shall not
10 be subject to discovery by subpoena or admissible as evidence.

11 (4) Patient care quality assurance proceedings, records, and
12 reports developed pursuant to this section are confidential, exempt
13 from chapter 42.56 RCW, and are not subject to discovery by subpoena or
14 admissible as evidence. In any civil action, except, after in camera
15 review, pursuant to a court order which provides for the protection of
16 sensitive information of interested parties including the department:

17 (a) In actions arising out of the department's designation of a
18 hospital or health care facility pursuant to RCW 70.168.070; (b) in
19 actions arising out of the department's revocation or suspension of
20 designation status of a hospital or health care facility under RCW
21 70.168.070; or (c) in actions arising out of the restriction or
22 revocation of the clinical or staff privileges of a health care
23 provider as defined in RCW 7.70.020 (1) and (2), subject to any further
24 restrictions on disclosure in RCW 4.24.250 that may apply. Information
25 that identifies individual patients shall not be publicly disclosed
26 without the patient's consent.

27 **PART III**
28 **MISCELLANEOUS PROVISIONS**

29 NEW SECTION. **Sec. 301.** The following sections are recodified in
30 the following order in a new chapter in Title 43 RCW.

- 31 RCW 42.17.350
- 32 RCW 42.17.360
- 33 RCW 42.17.362
- 34 RCW 42.17.365
- 35 RCW 42.17.367
- 36 RCW 42.17.369

1 RCW 42.17.3691
2 RCW 42.17.370
3 RCW 42.17.375
4 RCW 42.17.380

5 NEW SECTION. **Sec. 302.** Part headings used in this act are not any
6 part of the law.

7 NEW SECTION. **Sec. 303.** Section 212 of this act expires January 1,
8 2012.

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