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HOUSE BILL 1048

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State of Washington

62nd Legislature

2011 Regular Session

By Representative Hunt

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1 AN ACT Relating to making technical corrections needed as a result  
2 of the recodification of campaign finance provisions in chapter 204,  
3 Laws of 2010; amending RCW 15.65.280, 15.66.140, 15.89.070, 15.115.140,  
4 18.25.210, 18.32.765, 18.71.430, 18.79.390, 19.09.020, 19.34.240,  
5 28B.15.610, 28B.133.030, 29A.32.031, 29A.84.250, 35.02.130, 35.21.759,  
6 36.70A.200, 40.14.070, 42.17A.125, 42.17A.255, 42.17A.415, 42.17A.770,  
7 42.36.040, 42.52.010, 42.52.150, 42.52.180, 42.52.185, 42.52.380,  
8 42.52.560, 43.03.305, 43.17.320, 43.52A.030, 43.60A.175, 43.105.260,  
9 43.105.310, 43.167.020, 44.05.020, 44.05.080, 44.05.110, 46.20.075,  
10 47.06B.020, 50.38.015, 68.52.220, 79A.25.830, 82.08.02525, 82.12.02525,  
11 and 47.06B.901; reenacting and amending RCW 42.17A.005 and 42.17A.225;  
12 reenacting RCW 42.17A.110 and 42.17A.235; providing an effective date;  
13 and providing a contingent expiration date.

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

15 **Sec. 1.** RCW 15.65.280 and 2010 c 8 s 6075 are each amended to read  
16 as follows:

17 The powers and duties of the board shall be:

18 (1) To elect a chair and such other officers as it deems advisable;

1 (2) To advise and counsel the director with respect to the  
2 administration and conduct of such marketing agreement or order;

3 (3) To recommend to the director administrative rules and orders  
4 and amendments thereto for the exercise of his or her powers in  
5 connection with such agreement or order;

6 (4) To advise the director upon any and all assessments provided  
7 pursuant to the terms of such agreement or order and upon the  
8 collection, deposit, withdrawal, disbursement and paying out of all  
9 moneys;

10 (5) To assist the director in the collection of such necessary  
11 information and data as the director may deem necessary in the proper  
12 administration of this chapter;

13 (6) To administer the order or agreement as its administrative  
14 board if the director designates it so to do in such order or  
15 agreement;

16 (7) To work cooperatively with other local, state, and federal  
17 agencies; universities; and national organizations for the purposes  
18 provided in the board's marketing order or agreement;

19 (8) To enter into contracts or interagency agreements with any  
20 private or public agency, whether federal, state, or local, to carry  
21 out the purposes provided in the board's marketing order or agreement.  
22 Personal service contracts must comply with chapter 39.29 RCW;

23 (9) To accept and expend or retain any gifts, bequests,  
24 contributions, or grants from private persons or private and public  
25 agencies to carry out the purposes provided in the board's marketing  
26 order or agreement;

27 (10) To retain in emergent situations the services of private legal  
28 counsel to conduct legal actions on behalf of a board. The retention  
29 of a private attorney is subject to review by the office of the  
30 attorney general;

31 (11) To engage in appropriate fund-raising activities for the  
32 purpose of supporting activities of the board authorized by the  
33 marketing order or agreement;

34 (12) To enter into contracts or agreements for research in the  
35 production, irrigation, processing, transportation, marketing, use, or  
36 distribution of an affected commodity;

37 (13) To participate in international, federal, state, and local  
38 hearings, meetings, and other proceedings relating to the production,

1 irrigation, manufacture, regulation, transportation, distribution,  
2 sale, or use of affected commodities including activities authorized  
3 under RCW ((42.17.190)) 42.17A.635, including the reporting of those  
4 activities to the public disclosure commission;

5 (14) To maintain a list of the names and addresses of affected  
6 producers that may be compiled from information used to collect  
7 assessments under the marketing order or agreement, and data on the  
8 value of each producer's production for a minimum three-year period;

9 (15) To maintain a list of the names and addresses of persons who  
10 handle the affected commodity within the affected area and data on the  
11 amount and value of the commodity handled for a minimum three-year  
12 period by each person; and

13 (16) To perform such other duties as the director may prescribe in  
14 the marketing agreement or order.

15 Any agreement or order under which the commodity board administers  
16 the order or agreement shall (if so requested by the affected producers  
17 within the affected area in the proposal or promulgation hearing)  
18 contain provisions whereby the director reserves the power to approve  
19 or disapprove every order, rule or directive issued by the board, in  
20 which event such approval or disapproval shall be based on whether or  
21 not the director believes the board's action has been carried out in  
22 conformance with the purposes of this chapter.

23 **Sec. 2.** RCW 15.66.140 and 2003 c 396 s 2 are each amended to read  
24 as follows:

25 Every commodity commission shall have such powers and duties in  
26 accordance with provisions of this chapter as may be provided in the  
27 marketing order and shall have the following powers and duties:

28 (1) To elect a chair and such other officers as determined  
29 advisable;

30 (2) To adopt, rescind and amend rules and regulations reasonably  
31 necessary for the administration and operation of the commission and  
32 the enforcement of its duties under the marketing order;

33 (3) To administer, enforce, direct and control the provisions of  
34 the marketing order and of this chapter relating thereto;

35 (4) To employ and discharge at its discretion such administrators  
36 and additional personnel, attorneys, advertising and research agencies

1 and other persons and firms that it may deem appropriate and pay  
2 compensation to the same;

3 (5) To acquire personal property and purchase or lease office space  
4 and other necessary real property and transfer and convey the same;

5 (6) To institute and maintain in its own name any and all legal  
6 actions, including actions by injunction, mandatory injunction or civil  
7 recovery, or proceedings before administrative tribunals or other  
8 governmental authorities necessary to carry out the provisions of this  
9 chapter and of the marketing order;

10 (7) To keep accurate records of all its receipts and disbursements,  
11 which records shall be open to inspection and audit by the state  
12 auditor or private auditor designated by the state auditor at least  
13 every five years;

14 (8) Borrow money and incur indebtedness;

15 (9) Make necessary disbursements for routine operating expenses;

16 (10) To expend funds for commodity-related education, training, and  
17 leadership programs as each commission deems expedient;

18 (11) To work cooperatively with other local, state, and federal  
19 agencies; universities; and national organizations for the purposes  
20 provided in the commission's marketing order;

21 (12) To enter into contracts or interagency agreements with any  
22 private or public agency, whether federal, state, or local, to carry  
23 out the purposes provided in the commission's marketing order.  
24 Personal service contracts must comply with chapter 39.29 RCW;

25 (13) To accept and expend or retain any gifts, bequests,  
26 contributions, or grants from private persons or private and public  
27 agencies to carry out the purposes provided in the commission's  
28 marketing order;

29 (14) To enter into contracts or agreements for research in the  
30 production, irrigation, processing, transportation, marketing, use, or  
31 distribution of an affected commodity;

32 (15) To retain in emergent situations the services of private legal  
33 counsel to conduct legal actions on behalf of a commission. The  
34 retention of a private attorney is subject to review by the office of  
35 the attorney general;

36 (16) To engage in appropriate fund-raising activities for the  
37 purpose of supporting activities of the commission authorized by the  
38 marketing order;

1 (17) To participate in international, federal, state, and local  
2 hearings, meetings, and other proceedings relating to the production,  
3 irrigation, manufacture, regulation, transportation, distribution,  
4 sale, or use of affected commodities including activities authorized  
5 under RCW ((42.17.190)) 42.17A.635, including the reporting of those  
6 activities to the public disclosure commission;

7 (18) To maintain a list of the names and addresses of affected  
8 producers that may be compiled from information used to collect  
9 assessments under the provisions of the marketing order and data on the  
10 value of each producer's production for a minimum three-year period;

11 (19) To maintain a list of the names and addresses of persons who  
12 handle the affected commodity within the affected area and data on the  
13 amount and value of the commodity handled for a minimum three-year  
14 period by each person;

15 (20) To request records and audit the records of producers or  
16 handlers of the affected commodity during normal business hours to  
17 determine whether the appropriate assessment has been paid;

18 (21) To acquire or own intellectual property rights, licenses, or  
19 patents and to collect royalties resulting from commission-funded  
20 research related to the affected commodity; and

21 (22) Such other powers and duties that are necessary to carry out  
22 the purposes of this chapter.

23 **Sec. 3.** RCW 15.89.070 and 2009 c 373 s 9 are each amended to read  
24 as follows:

25 The commission shall:

26 (1) Elect a chair and officers. The officers must include a  
27 treasurer who is responsible for all receipts and disbursements by the  
28 commission and the faithful discharge of whose duties shall be  
29 guaranteed by a bond at the sole expense of the commission. The  
30 commission must adopt rules for its own governance that provide for the  
31 holding of an annual meeting for the election of officers and the  
32 transaction of other business and for other meetings the commission may  
33 direct;

34 (2) Do all things reasonably necessary to effect the purposes of  
35 this chapter. However, the commission has no rule-making power except  
36 as provided in this chapter;

1 (3) Employ and discharge managers, secretaries, agents, attorneys,  
2 and employees and engage the services of independent contractors;

3 (4) Retain, as necessary, the services of private legal counsel to  
4 conduct legal actions on behalf of the commission. The retention of a  
5 private attorney is subject to review by the office of the attorney  
6 general;

7 (5) Receive donations of beer from producers for promotional  
8 purposes under subsections (6) and (7) of this section and for fund-  
9 raising purposes under subsection (8) of this section. Donations of  
10 beer for promotional purposes may only be disseminated without charge;

11 (6) Engage directly or indirectly in the promotion of Washington  
12 beer, including, without limitation, the acquisition in any lawful  
13 manner and the dissemination without charge of beer. This  
14 dissemination is not deemed a sale for any purpose and the commission  
15 is not deemed a producer, supplier, or manufacturer, or the clerk,  
16 servant, or agent of a producer, supplier, distributor, or  
17 manufacturer. This dissemination without charge shall be for  
18 agricultural development or trade promotion, and not for fund-raising  
19 purposes under subsection (8) of this section. Dissemination for  
20 promotional purposes may include promotional hosting and must in the  
21 good faith judgment of the commission be in the aid of the marketing,  
22 advertising, sale of beer, or of research related to such marketing,  
23 advertising, or sale;

24 (7) Promote Washington beer by conducting unique beer tastings  
25 without charge;

26 (8) Beginning July 1, 2007, fund the Washington beer commission  
27 through sponsorship of up to twelve beer festivals annually at which  
28 beer may be sold to festival participants. For this purpose, the  
29 commission would qualify for issue of a special occasion license as an  
30 exception to WAC 314-05-020 but must comply with laws under Title 66  
31 RCW and rules adopted by the liquor control board under which such  
32 events may be conducted;

33 (9) Participate in international, federal, state, and local  
34 hearings, meetings, and other proceedings relating to the production,  
35 regulation, distribution, sale, or use of beer including activities  
36 authorized under RCW (~~(42.17.190)~~) 42.17A.635, including the reporting  
37 of those activities to the public disclosure commission;

1 (10) Acquire and transfer personal and real property, establish  
2 offices, incur expenses, and enter into contracts, including contracts  
3 for the creation and printing of promotional literature. The contracts  
4 are not subject to chapter 43.78 RCW, and are cancelable by the  
5 commission unless performed under conditions of employment that  
6 substantially conform to the laws of this state and the rules of the  
7 department of labor and industries. The commission may create debt and  
8 other liabilities that are reasonable for proper discharge of its  
9 duties under this chapter;

10 (11) Maintain accounts with one or more qualified public  
11 depositories as the commission may direct, for the deposit of money,  
12 and expend money for purposes authorized by this chapter by drafts made  
13 by the commission upon such institutions or by other means;

14 (12) Cause to be kept and annually closed, in accordance with  
15 generally accepted accounting principles, accurate records of all  
16 receipts, disbursements, and other financial transactions, available  
17 for audit by the state auditor;

18 (13) Create and maintain a list of producers and disseminate  
19 information among and solicit the opinions of producers with respect to  
20 the discharge of the duties of the commission, directly or by  
21 arrangement with trade associations or other instrumentalities;

22 (14) Employ, designate as an agent, act in concert with, and enter  
23 into contracts with any person, council, commission, or other entity to  
24 promote the general welfare of the beer industry and particularly to  
25 assist in the sale and distribution of Washington beer in domestic and  
26 foreign commerce. The commission shall expend money necessary or  
27 advisable for this purpose and to pay its proportionate share of the  
28 cost of any program providing direct or indirect assistance to the sale  
29 and distribution of Washington beer in domestic or foreign commerce,  
30 employing and paying for vendors of professional services of all kinds;

31 (15) Sue and be sued as a commission, without individual liability  
32 for acts of the commission within the scope of the powers conferred  
33 upon it by this chapter;

34 (16) Serve as liaison with the liquor control board on behalf of  
35 the commission and not for any individual producer;

36 (17) Receive such gifts, grants, and endowments from public or  
37 private sources as may be made from time to time, in trust or

1 otherwise, for the use and benefit of the purposes of the commission  
2 and expend the same or any income therefrom according to the terms of  
3 the gifts, grants, or endowments.

4 **Sec. 4.** RCW 15.115.140 and 2009 c 33 s 14 are each amended to read  
5 as follows:

6 (1) The commission is an agency of the Washington state government  
7 subject to oversight by the director. In exercising its powers and  
8 duties, the commission shall carry out the following purposes:

9 (a) To establish plans and conduct programs for advertising and  
10 sales promotion, to maintain present markets, or to create new or  
11 larger markets for wheat and barley grown in Washington;

12 (b) To engage in cooperative efforts in the domestic or foreign  
13 marketing of wheat and barley grown in Washington;

14 (c) To provide for carrying on research studies to find more  
15 efficient methods of production, irrigation, processing,  
16 transportation, handling, and marketing of wheat and barley grown in  
17 Washington;

18 (d) To adopt rules to provide for improving standards and grades by  
19 defining, establishing, and providing labeling requirements with  
20 respect to wheat and barely grown in Washington;

21 (e) To investigate and take necessary action to prevent unfair  
22 trade practices relating to wheat and barley grown in Washington;

23 (f) To provide information or communicate on matters pertaining to  
24 the production, irrigation, processing, transportation, marketing, or  
25 uses of wheat and barley grown in Washington to any elected official or  
26 officer or employee of any agency;

27 (g) To provide marketing information and services for producers of  
28 wheat and barley in Washington;

29 (h) To provide information and services for meeting resource  
30 conservation objectives of producers of wheat and barley in Washington;

31 (i) To provide for education and training related to wheat and  
32 barley grown in Washington; and

33 (j) To assist and cooperate with the department or any local,  
34 state, or federal government agency in the investigation and control of  
35 exotic pests and diseases that could damage or affect the production or  
36 trade of wheat and barley grown in Washington.

37 (2) The commission has the following powers and duties:



- 1 (a) To collect the assessments of producers as provided in this  
2 chapter and to expend the same in accordance with this chapter;
- 3 (b) To maintain a list of the names and addresses of affected  
4 producers that may be compiled from information used to collect  
5 assessments authorized under this chapter and data on the value of each  
6 producer's production for a minimum three-year period;
- 7 (c) To maintain a list of the names and addresses of persons who  
8 handle wheat or barley within the affected area and data on the amount  
9 and value of the wheat and barley handled for a minimum three-year  
10 period by each person;
- 11 (d) To request records and audit the records of producers or  
12 handlers of wheat or barley during normal business hours to determine  
13 whether the appropriate assessment has been paid;
- 14 (e) To fund, conduct, or otherwise participate in scientific  
15 research relating to wheat or barley, including but not limited to  
16 research to find more efficient methods of irrigation, production,  
17 processing, handling, transportation, and marketing of wheat or barley,  
18 or regarding pests, pesticides, food safety, irrigation,  
19 transportation, and environmental stewardship related to wheat or  
20 barley;
- 21 (f) To work cooperatively with local, state, and federal agencies,  
22 universities, and national organizations for the purposes provided in  
23 this chapter;
- 24 (g) To establish a foundation using commission funds as grant money  
25 when the foundation benefits the wheat or barley industry in Washington  
26 and implements the purposes provided in this chapter;
- 27 (h) To acquire or own intellectual property rights, licenses, or  
28 patents and to collect royalties resulting from commission-funded  
29 research related to wheat or barley;
- 30 (i) To enter into contracts or interagency agreements with any  
31 private or public agency, whether federal, state, or local, to carry  
32 out the purposes and powers provided in this chapter, including  
33 specifically contracts or agreements for research described in (e) of  
34 this subsection. Personal service contracts must comply with chapter  
35 39.29 RCW;
- 36 (j) To institute and maintain in its own name any and all legal  
37 actions necessary to carry out the provisions of this chapter,

1 including actions by injunction, mandatory injunction or civil  
2 recovery, or proceedings before administrative tribunals or other  
3 governmental authorities;

4 (k) To retain in emergent situations the services of private legal  
5 counsel to conduct legal actions on behalf of the commission. The  
6 retention of a private attorney is subject to review and approval by  
7 the office of the attorney general;

8 (l) To elect a chair and other officers as determined advisable;

9 (m) To employ and discharge at its discretion administrators and  
10 additional personnel, advertising and research agencies, and other  
11 persons and firms as appropriate and pay compensation;

12 (n) To acquire personal property and purchase or lease office space  
13 and other necessary real property and transfer and convey that real  
14 property;

15 (o) To keep accurate records of all its receipts and disbursements  
16 by commodity, which records must be open to inspection and audit by the  
17 state auditor or private auditor designated by the state auditor at  
18 least every five years;

19 (p) To borrow money and incur indebtedness;

20 (q) To make necessary disbursements for routine operating expenses;

21 (r) To expend funds for commodity-related education, training, and  
22 leadership programs as the commission deems expedient;

23 (s) To accept and expend or retain any gifts, bequests,  
24 contributions, or grants from private persons or private and public  
25 agencies to carry out the purposes provided in this chapter;

26 (t) To apply for and administer federal market access programs or  
27 similar programs or projects and provide matching funds as may be  
28 necessary;

29 (u) To engage in appropriate fund-raising activities for the  
30 purpose of supporting activities of the commission authorized in this  
31 chapter;

32 (v) To participate in international, federal, state, and local  
33 hearings, meetings, and other proceedings relating to the production,  
34 irrigation, manufacture, regulation, transportation, distribution,  
35 sale, or use of wheat or barley; or the regulation of the manufacture,  
36 distribution, sale, or use of any pesticide, as defined in chapter  
37 15.58 RCW, or any agricultural chemical which is of use or potential

1 use in producing wheat or barley. This participation may include  
2 activities authorized under RCW ((42.17.190)) 42.17A.635, including the  
3 reporting of those activities to the public disclosure commission;

4 (w) To speak on behalf of the Washington state government on a  
5 nonexclusive basis regarding issues related to wheat and barley,  
6 including but not limited to trade negotiations and market access  
7 negotiations and to fund industry organizations engaging in those  
8 activities;

9 (x) To adopt, rescind, and amend rules and regulations reasonably  
10 necessary for the administration and operation of the commission and  
11 the enforcement of its duties under this chapter;

12 (y) To administer, enforce, direct, and control the provisions of  
13 this chapter and any rules adopted under this chapter; and

14 (z) Other powers and duties that are necessary to carry out the  
15 purposes of this chapter.

16 **Sec. 5.** RCW 18.25.210 and 2008 c 134 s 31 are each amended to read  
17 as follows:

18 (1) The commission may conduct a pilot project to evaluate the  
19 effect of granting the commission additional authority over budget  
20 development, spending, and staffing. If the commission intends to  
21 conduct a pilot project, it must provide a notice in writing to the  
22 secretary by June 1, 2008. If the commission chooses to conduct a  
23 pilot project, the pilot project shall begin on July 1, 2008, and  
24 conclude on June 30, 2013.

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

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

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

28 (ii) Exempt from the provisions of the civil service law, chapter  
29 41.06 RCW and whose salary is established by the commission in  
30 accordance with RCW 43.03.028 ((and 42.17.370)); and

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

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

35 (i) With regard to budget for the remainder of the 2007-2009  
36 biennium, the commission has authority to spend the remaining funds

1 allocated with respect to chiropractors licensed under this chapter;  
2 and

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

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

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

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

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

31 (3) By December 15, 2013, the secretary, the commission, and the  
32 other commissions conducting similar pilot projects under RCW  
33 18.71.430, 18.79.390, and 18.32.765, shall report to the governor and  
34 the legislature on the results of the pilot project. The report shall:

35 (a) Compare the effectiveness of licensing and disciplinary  
36 activities of each commission during the pilot project with the  
37 licensing and disciplinary activities of the commission prior to the

1 pilot project and the disciplinary activities of other disciplining  
2 authorities during the same time period as the pilot project;

3 (b) Compare the efficiency of each commission with respect to the  
4 timeliness and personnel resources during the pilot project to the  
5 efficiency of the commission prior to the pilot project and the  
6 efficiency of other disciplining authorities during the same period as  
7 the pilot project;

8 (c) Compare the budgetary activity of each commission during the  
9 pilot project to the budgetary activity of the commission prior to the  
10 pilot project and to the budgetary activity of other disciplining  
11 authorities during the same period as the pilot project;

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

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

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

21 **Sec. 6.** RCW 18.32.765 and 2008 c 134 s 32 are each amended to read  
22 as follows:

23 (1) The commission may conduct a pilot project to evaluate the  
24 effect of granting the commission additional authority over budget  
25 development, spending, and staffing. If the commission intends to  
26 conduct a pilot project, it must provide a notice in writing to the  
27 secretary by June 1, 2008. If the commission chooses to conduct a  
28 pilot project, the pilot project shall begin on July 1, 2008, and  
29 conclude on June 30, 2013.

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

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

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

33 (ii) Exempt from the provisions of the civil service law, chapter  
34 41.06 RCW and whose salary is established by the commission in  
35 accordance with RCW 43.03.028 (~~and 42.17.370~~); and

36 (iii) Responsible for performing all administrative duties of the

1 commission, including preparing an annual budget, and any other duties  
2 as delegated to the executive director by the commission;

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

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

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

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

15 (d) That, prior to the secretary exercising the secretary's  
16 authority to adopt uniform rules and guidelines, or any other actions  
17 that might impact the licensing or disciplinary authority of the  
18 commission, the secretary shall first meet with the commission to  
19 determine how those rules or guidelines, or changes to rules or  
20 guidelines, might impact the commission's ability to effectively carry  
21 out its statutory duties. If the commission, in consultation with the  
22 secretary, determines that the proposed rules or guidelines, or changes  
23 to existing rules or guidelines, will negatively impact the  
24 commission's ability to effectively carry out its statutory duties,  
25 then the individual commission shall collaborate with the secretary to  
26 develop alternative solutions to mitigate the impacts. If an  
27 alternative solution cannot be reached, the parties may resolve the  
28 dispute through a mediator as set forth in (f) of this subsection;

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

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

37 (3) By December 15, 2013, the secretary, the commission, and the

1 other commissions conducting similar pilot projects under RCW  
2 18.71.430, 18.79.390, and 18.25.210, shall report to the governor and  
3 the legislature on the results of the pilot project. The report shall:

4 (a) Compare the effectiveness of licensing and disciplinary  
5 activities of each commission during the pilot project with the  
6 licensing and disciplinary activities of the commission prior to the  
7 pilot project and the disciplinary activities of other disciplining  
8 authorities during the same time period as the pilot project;

9 (b) Compare the efficiency of each commission with respect to the  
10 timeliness and personnel resources during the pilot project to the  
11 efficiency of the commission prior to the pilot project and the  
12 efficiency of other disciplining authorities during the same period as  
13 the pilot project;

14 (c) Compare the budgetary activity of each commission during the  
15 pilot project to the budgetary activity of the commission prior to the  
16 pilot project and to the budgetary activity of other disciplining  
17 authorities during the same period as the pilot project;

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

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

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

27 **Sec. 7.** RCW 18.71.430 and 2008 c 134 s 29 are each amended to read  
28 as follows:

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

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

- 34 (a) That the secretary shall employ an executive director that is:  
35 (i) Hired by and serves at the pleasure of the commission;  
36 (ii) Exempt from the provisions of the civil service law, chapter

1 41.06 RCW and whose salary is established by the commission in  
2 accordance with RCW 43.03.028 (~~and 42.17.370~~); and

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

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

7 (i) With regard to budget for the remainder of the 2007-2009  
8 biennium, the commission has authority to spend the remaining funds  
9 allocated with respect to its professions, physicians regulated under  
10 this chapter and physician assistants regulated under chapter 18.71A  
11 RCW; and

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

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

18 (d) That, prior to the secretary exercising the secretary's  
19 authority to adopt uniform rules and guidelines, or any other actions  
20 that might impact the licensing or disciplinary authority of the  
21 commission, the secretary shall first meet with the commission to  
22 determine how those rules or guidelines, or changes to rules or  
23 guidelines, might impact the commission's ability to effectively carry  
24 out its statutory duties. If the commission, in consultation with the  
25 secretary, determines that the proposed rules or guidelines, or changes  
26 to existing rules or guidelines, will negatively impact the  
27 commission's ability to effectively carry out its statutory duties,  
28 then the individual commission shall collaborate with the secretary to  
29 develop alternative solutions to mitigate the impacts. If an  
30 alternative solution cannot be reached, the parties may resolve the  
31 dispute through a mediator as set forth in (f) of this subsection;

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

36 (f) That in the event there is a disagreement between the  
37 commission and the secretary, that is unable to be resolved through



1 negotiation, a representative of both parties shall agree on the  
2 designation of a third party to mediate the dispute.

3 (3) By December 15, 2013, the secretary, the commission, and the  
4 other commissions conducting similar pilot projects under RCW  
5 18.79.390, 18.25.210, and 18.32.765, shall report to the governor and  
6 the legislature on the results of the pilot project. The report shall:

7 (a) Compare the effectiveness of licensing and disciplinary  
8 activities of each commission during the pilot project with the  
9 licensing and disciplinary activities of the commission prior to the  
10 pilot project and the disciplinary activities of other disciplining  
11 authorities during the same time period as the pilot project;

12 (b) Compare the efficiency of each commission with respect to the  
13 timeliness and personnel resources during the pilot project to the  
14 efficiency of the commission prior to the pilot project and the  
15 efficiency of other disciplining authorities during the same period as  
16 the pilot project;

17 (c) Compare the budgetary activity of each commission during the  
18 pilot project to the budgetary activity of the commission prior to the  
19 pilot project and to the budgetary activity of other disciplining  
20 authorities during the same period as the pilot project;

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

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

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

30 **Sec. 8.** RCW 18.79.390 and 2008 c 134 s 30 are each amended to read  
31 as follows:

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

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

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

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

2 (ii) Exempt from the provisions of the civil service law, chapter  
3 41.06 RCW and whose salary is established by the commission in  
4 accordance with RCW 43.03.028 (~~and 42.17.370~~); and

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

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

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

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

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

19 (d) That, prior to the secretary exercising the secretary's  
20 authority to adopt uniform rules and guidelines, or any other actions  
21 that might impact the licensing or disciplinary authority of the  
22 commission, the secretary shall first meet with the commission to  
23 determine how those rules or guidelines, or changes to rules or  
24 guidelines, might impact the commission's ability to effectively carry  
25 out its statutory duties. If the commission, in consultation with the  
26 secretary, determines that the proposed rules or guidelines, or changes  
27 to existing rules or guidelines, will negatively impact the  
28 commission's ability to effectively carry out its statutory duties,  
29 then the individual commission shall collaborate with the secretary to  
30 develop alternative solutions to mitigate the impacts. If an  
31 alternative solution cannot be reached, the parties may resolve the  
32 dispute through a mediator as set forth in (f) of this subsection;

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

37 (f) That in the event there is a disagreement between the

1 commission and the secretary, that is unable to be resolved through  
2 negotiation, a representative of both parties shall agree on the  
3 designation of a third party to mediate the dispute.

4 (3) By December 15, 2013, the secretary, the commission, and the  
5 other commissions conducting similar pilot projects under RCW  
6 18.71.430, 18.25.210, and 18.32.765, shall report to the governor and  
7 the legislature on the results of the pilot project. The report shall:

8 (a) Compare the effectiveness of licensing and disciplinary  
9 activities of each commission during the pilot project with the  
10 licensing and disciplinary activities of the commission prior to the  
11 pilot project and the disciplinary activities of other disciplining  
12 authorities during the same time period as the pilot project;

13 (b) Compare the efficiency of each commission with respect to the  
14 timeliness and personnel resources during the pilot project to the  
15 efficiency of the commission prior to the pilot project and the  
16 efficiency of other disciplining authorities during the same period as  
17 the pilot project;

18 (c) Compare the budgetary activity of each commission during the  
19 pilot project to the budgetary activity of the commission prior to the  
20 pilot project and to the budgetary activity of other disciplining  
21 authorities during the same period as the pilot project;

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

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

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

31 **Sec. 9.** RCW 19.09.020 and 2007 c 471 s 2 are each amended to read  
32 as follows:

33 When used in this chapter, unless the context otherwise requires:

34 (1) A "bona fide officer or employee" of a charitable organization  
35 is one (a) whose conduct is subject to direct control by such  
36 organization; (b) who does not act in the manner of an independent

1 contractor in his or her relation with the organization; and (c) whose  
2 compensation is not computed on funds raised or to be raised.

3 (2) "Charitable organization" means any entity that solicits or  
4 collects contributions from the general public where the contribution  
5 is or is purported to be used to support a charitable purpose, but does  
6 not include any commercial fund-raiser, commercial fund-raising entity,  
7 commercial coventurer, or any fund-raising counsel, as defined in this  
8 section. Churches and their integrated auxiliaries are not charitable  
9 organizations, but are subject to RCW 19.09.100 (12), (15), and (18).

10 (3) "Charitable purpose" means any religious, charitable,  
11 scientific, testing for public safety, literary, or educational purpose  
12 or any other purpose that is beneficial to the community, including  
13 environmental, humanitarian, patriotic, or civic purposes, the support  
14 of national or international amateur sports competition, the prevention  
15 of cruelty to children or animals, the advancement of social welfare,  
16 or the benefit of law enforcement personnel, firefighters, and other  
17 persons who protect public safety. The term "charitable" is used in  
18 its generally accepted legal sense and includes relief of the poor, the  
19 distressed, or the underprivileged; advancement of religion;  
20 advancement of education or science; erecting or maintaining public  
21 buildings, monuments, or works; lessening the burdens of government;  
22 lessening neighborhood tensions; eliminating prejudice and  
23 discrimination; defending human and civil rights secured by law; and  
24 combating community deterioration and juvenile delinquency.

25 (4) "Commercial coventurer" means any individual or corporation,  
26 partnership, sole proprietorship, limited liability company, limited  
27 partnership, limited liability partnership, or any other legal entity,  
28 that:

29 (a) Is regularly and primarily engaged in making sales of goods or  
30 services for profit directly to the general public;

31 (b) Is not otherwise regularly or primarily engaged in making  
32 charitable solicitations in this state or otherwise raising funds in  
33 this state for one or more charitable organizations;

34 (c) Represents to prospective purchasers that, if they purchase a  
35 good or service from the commercial coventurer, a portion of the sales  
36 price or a sum of money or some other specified thing of value will be  
37 donated to a named charitable organization; and

1 (d) Does not ask purchasers to make checks or other instruments  
2 payable to a named charitable organization or any entity other than the  
3 commercial coventurer itself under its regular commercial name.

4 (5) "Commercial fund-raiser" or "commercial fund-raising entity"  
5 means any entity that for compensation or other consideration within  
6 this state directly or indirectly solicits or receives contributions  
7 for or on behalf of any charitable organization or charitable purpose,  
8 or that is engaged in the business of or is held out to persons in this  
9 state as independently engaged in the business of soliciting or  
10 receiving contributions for such purposes. However, a commercial  
11 coventurer, fund-raising counsel, or consultant is not a commercial  
12 fund-raiser or commercial fund-raising entity.

13 (6) "Compensation" means salaries, wages, fees, commissions, or any  
14 other remuneration or valuable consideration.

15 (7) "Contribution" means the payment, donation, promise, or grant,  
16 for consideration or otherwise, of any money or property of any kind or  
17 value which contribution is wholly or partly induced by a solicitation.  
18 Reference to dollar amounts of "contributions" or "solicitations" in  
19 this chapter means in the case of payments or promises to pay for  
20 merchandise or rights of any description, the value of the total amount  
21 paid or promised to be paid for such merchandise or rights.

22 (8) "Cost of solicitation" means and includes all direct and  
23 indirect costs, expenditures, debts, obligations, salaries, wages,  
24 commissions, fees, or other money or thing of value paid or incurred in  
25 making a solicitation.

26 (9) "Entity" means an individual, organization, group, association,  
27 partnership, corporation, agency or unit of state government, or any  
28 combination thereof.

29 (10) "Fund-raising counsel" or "consultant" means any entity or  
30 individual who is retained by a charitable organization, for a fixed  
31 fee or rate, that is not computed on a percentage of funds raised, or  
32 to be raised, under a written agreement only to plan, advise, consult,  
33 or prepare materials for a solicitation of contributions in this state,  
34 but who does not manage, conduct, or carry on a fund-raising campaign  
35 and who does not solicit contributions or employ, procure, or engage  
36 any compensated person to solicit contributions, and who does not at  
37 any time have custody or control of contributions. A volunteer,  
38 employee, or salaried officer of a charitable organization maintaining

1 a permanent establishment or office in this state is not a fund-raising  
2 counsel. An attorney, investment counselor, or banker who advises an  
3 individual, corporation, or association to make a charitable  
4 contribution is not a fund-raising counsel as a result of the advice.

5 (11) "General public" or "public" means any individual located in  
6 Washington state without a membership or other official relationship  
7 with a charitable organization before a solicitation by the charitable  
8 organization.

9 (12) "Membership" means that for the payment of fees, dues,  
10 assessments, etc., an organization provides services and confers a bona  
11 fide right, privilege, professional standing, honor, or other direct  
12 benefit, in addition to the right to vote, elect officers, or hold  
13 office. The term "membership" does not include those persons who are  
14 granted a membership upon making a contribution as the result of  
15 solicitation.

16 (13) "Other employee" of a charitable organization means any person  
17 (a) whose conduct is subject to direct control by such organization;  
18 (b) who does not act in the manner of any independent contractor in his  
19 or her relation with the organization; and (c) who is not engaged in  
20 the business of or held out to persons in this state as independently  
21 engaged in the business of soliciting contributions for charitable  
22 purposes or religious activities.

23 (14) "Political organization" means those organizations whose  
24 activities are subject to chapter (~~(42.17)~~) 42.17A RCW or the federal  
25 elections campaign act of 1971, as amended.

26 (15) "Religious organization" means those entities that are not  
27 churches or integrated auxiliaries and includes nondenominational  
28 ministries, interdenominational and ecumenical organizations, mission  
29 organizations, speakers' organizations, faith-based social agencies,  
30 and other entities whose principal purpose is the study, practice, or  
31 advancement of religion.

32 (16) "Secretary" means the secretary of state.

33 (17) "Signed" means hand-written, or, if the secretary adopts rules  
34 facilitating electronic filing that pertain to this chapter, in the  
35 manner prescribed by those rules.

36 (18)(a) "Solicitation" means any oral or written request for a  
37 contribution, including the solicitor's offer or attempt to sell any  
38 property, rights, services, or other thing in connection with which:

1 (i) Any appeal is made for any charitable purpose;  
2 (ii) The name of any charitable organization is used as an  
3 inducement for consummating the sale; or  
4 (iii) Any statement is made that implies that the whole or any part  
5 of the proceeds from the sale will be applied toward any charitable  
6 purpose or donated to any charitable organization.

7 (b) The solicitation shall be deemed completed when made, whether  
8 or not the person making it receives any contribution or makes any  
9 sale.

10 (c) "Solicitation" does not include bingo activities, raffles, and  
11 amusement games conducted under chapter 9.46 RCW and applicable rules  
12 of the Washington state gambling commission.

13 **Sec. 10.** RCW 19.34.240 and 2005 c 274 s 235 are each amended to  
14 read as follows:

15 (1) By accepting a certificate issued by a licensed certification  
16 authority, the subscriber identified in the certificate assumes a duty  
17 to exercise reasonable care to retain control of the private key and  
18 prevent its disclosure to a person not authorized to create the  
19 subscriber's digital signature. The subscriber is released from this  
20 duty if the certificate expires or is revoked.

21 (2) A private key is the personal property of the subscriber who  
22 rightfully holds it.

23 (3) A private key in the possession of a state agency or local  
24 agency, as those terms are defined by RCW (~~(42.17.020)~~) 42.17A.005, is  
25 exempt from public inspection and copying under chapter 42.56 RCW.

26 **Sec. 11.** RCW 28B.15.610 and 2009 c 179 s 1 are each amended to  
27 read as follows:

28 The provisions of this chapter shall not apply to or affect any  
29 student fee or charge which the students voluntarily maintain upon  
30 themselves for student purposes only. Students are authorized to  
31 create or increase voluntary student fees for each academic year when  
32 passed by a majority vote of the student government or its equivalent,  
33 or referendum presented to the student body or such other process that  
34 has been adopted under this section. Notwithstanding RCW (~~(42.17.190)~~)  
35 42.17A.635 (2) and (3), voluntary student fees imposed under this  
36 section and services and activities fees may be used for lobbying by a

1 student government association or its equivalent and may also be used  
2 to support a statewide or national student organization or its  
3 equivalent that may engage in lobbying.

4 **Sec. 12.** RCW 28B.133.030 and 2003 c 19 s 4 are each amended to  
5 read as follows:

6 (1) The students with dependents grant account is created in the  
7 custody of the state treasurer. All receipts from the program shall be  
8 deposited into the account. Only the higher education coordinating  
9 board, or its designee, may authorize expenditures from the account.  
10 Disbursements from the account are exempt from appropriations and the  
11 allotment procedures under chapter 43.88 RCW.

12 (2) The board may solicit and receive gifts, grants, or endowments  
13 from private sources that are made from time to time, in trust or  
14 otherwise, for the use and benefit of the purposes of the educational  
15 assistance grant program. The executive director, or the executive  
16 director's designee, may spend gifts, grants, or endowments or income  
17 from the private sources according to their terms unless the receipt of  
18 the gifts, grants, or endowments violates RCW (~~(42.17.710)~~) 42.17A.560.

19 (3) The earnings on the account shall be used solely for the  
20 purposes in RCW 28B.133.010, except when the terms of a conditional  
21 gift of private moneys in the account require that a portion of  
22 earnings on such moneys be reinvested in the account.

23 **Sec. 13.** RCW 29A.32.031 and 2009 c 415 s 2 are each amended to  
24 read as follows:

25 The voters' pamphlet published or distributed under RCW 29A.32.010  
26 must contain:

27 (1) Information about each measure for an advisory vote of the  
28 people and each ballot measure initiated by or referred to the voters  
29 for their approval or rejection as required by RCW 29A.32.070;

30 (2) In even-numbered years, statements, if submitted, from  
31 candidates for the office of president and vice president of the United  
32 States, United States senator, United States representative, governor,  
33 lieutenant governor, secretary of state, state treasurer, state  
34 auditor, attorney general, commissioner of public lands, superintendent  
35 of public instruction, insurance commissioner, state senator, state  
36 representative, justice of the supreme court, judge of the court of



1 appeals, or judge of the superior court. Candidates may also submit  
2 campaign contact information and a photograph not more than five years  
3 old in a format that the secretary of state determines to be suitable  
4 for reproduction in the voters' pamphlet;

5 (3) In odd-numbered years, if any office voted upon statewide  
6 appears on the ballot due to a vacancy, then statements and photographs  
7 for candidates for any vacant office listed in subsection (2) of this  
8 section must appear;

9 (4) Contact information for the public disclosure commission  
10 established under RCW (~~(42.17.350)~~) 42.17A.100;

11 (5) Contact information for major political parties;

12 (6) A brief statement explaining the deletion and addition of  
13 language for proposed measures under RCW 29A.32.080; and

14 (7) Any additional information pertaining to elections as may be  
15 required by law or in the judgment of the secretary of state is deemed  
16 informative to the voters.

17 **Sec. 14.** RCW 29A.84.250 and 2003 c 111 s 2113 are each amended to  
18 read as follows:

19 Every person is guilty of a gross misdemeanor who:

20 (1) For any consideration or gratuity or promise thereof, signs or  
21 declines to sign any initiative or referendum petition; or

22 (2) Provides or receives consideration for soliciting or procuring  
23 signatures on an initiative or referendum petition if any part of the  
24 consideration is based upon the number of signatures solicited or  
25 procured, or offers to provide or agrees to receive such consideration  
26 any of which is based on the number of signatures solicited or  
27 procured; or

28 (3) Gives or offers any consideration or gratuity to any person to  
29 induce him or her to sign or not to sign or to vote for or against any  
30 initiative or referendum measure; or

31 (4) Interferes with or attempts to interfere with the right of any  
32 voter to sign or not to sign an initiative or referendum petition or  
33 with the right to vote for or against an initiative or referendum  
34 measure by threats, intimidation, or any other corrupt means or  
35 practice; or

36 (5) Receives, handles, distributes, pays out, or gives away,  
37 directly or indirectly, money or any other thing of value contributed

1 by or received from any person, firm, association, or corporation whose  
2 residence or principal office is, or the majority of whose members or  
3 stockholders have their residence outside, the state of Washington, for  
4 any service rendered for the purpose of aiding in procuring signatures  
5 upon any initiative or referendum petition or for the purpose of aiding  
6 in the adoption or rejection of any initiative or referendum measure.  
7 This subsection does not apply to or prohibit any activity that is  
8 properly reported in accordance with the applicable provisions of  
9 chapter ((42.17)) 42.17A RCW.

10 A gross misdemeanor under this section is punishable to the same  
11 extent as a gross misdemeanor that is punishable under RCW 9A.20.021.

12 **Sec. 15.** RCW 35.02.130 and 2005 c 274 s 263 are each amended to  
13 read as follows:

14 The city or town officially shall become incorporated at a date  
15 from one hundred eighty days to three hundred sixty days after the date  
16 of the election on the question of incorporation. An interim period  
17 shall exist between the time the newly elected officials have been  
18 elected and qualified and this official date of incorporation. During  
19 this interim period, the newly elected officials are authorized to  
20 adopt ordinances and resolutions which shall become effective on or  
21 after the official date of incorporation, and to enter into contracts  
22 and agreements to facilitate the transition to becoming a city or town  
23 and to ensure a continuation of governmental services after the  
24 official date of incorporation. Periods of time that would be required  
25 to elapse between the enactment and effective date of such ordinances,  
26 including but not limited to times for publication or for filing  
27 referendums, shall commence upon the date of such enactment as though  
28 the city or town were officially incorporated.

29 During this interim period, the city or town governing body may  
30 adopt rules establishing policies and procedures under the state  
31 environmental policy act, chapter 43.21C RCW, and may use these rules  
32 and procedures in making determinations under the state environmental  
33 policy act, chapter 43.21C RCW.

34 During this interim period, the newly formed city or town and its  
35 governing body shall be subject to the following as though the city or  
36 town were officially incorporated: RCW 4.24.470 relating to immunity;  
37 chapter ((42.17)) 42.17A RCW relating to open government; chapter 42.56

1 RCW relating to public records; chapter 40.14 RCW relating to the  
2 preservation and disposition of public records; chapters 42.20 and  
3 42.23 RCW relating to ethics and conflicts of interest; chapters 42.30  
4 and 42.32 RCW relating to open public meetings and minutes; RCW  
5 35.22.288, 35.23.221, 35.27.300, 35A.12.160, as appropriate, and  
6 chapter 35A.65 RCW relating to the publication of notices and  
7 ordinances; RCW 35.21.875 and 35A.21.230 relating to the designation of  
8 an official newspaper; RCW 36.16.138 relating to liability insurance;  
9 RCW 35.22.620, 35.23.352, and 35A.40.210, as appropriate, and statutes  
10 referenced therein relating to public contracts and bidding; and  
11 chapter 39.34 RCW relating to interlocal cooperation. Tax anticipation  
12 or revenue anticipation notes or warrants and other short-term  
13 obligations may be issued and funds may be borrowed on the security of  
14 these instruments during this interim period, as provided in chapter  
15 39.50 RCW. Funds also may be borrowed from federal, state, and other  
16 governmental agencies in the same manner as if the city or town were  
17 officially incorporated.

18 RCW 84.52.020 and 84.52.070 shall apply to the extent that they may  
19 be applicable, and the governing body of such city or town may take  
20 appropriate action by ordinance during the interim period to adopt the  
21 property tax levy for its first full calendar year following the  
22 interim period.

23 The governing body of the new city or town may acquire needed  
24 facilities, supplies, equipment, insurance, and staff during this  
25 interim period as if the city or town were in existence. An interim  
26 city manager or administrator, who shall have such administrative  
27 powers and duties as are delegated by the governing body, may be  
28 appointed to serve only until the official date of incorporation.  
29 After the official date of incorporation the governing body of such a  
30 new city organized under the council manager form of government may  
31 extend the appointment of such an interim manager or administrator with  
32 such limited powers as the governing body determines, for up to ninety  
33 days. This governing body may submit ballot propositions to the voters  
34 of the city or town to authorize taxes to be collected on or after the  
35 official date of incorporation, or authorize an annexation of the city  
36 or town by a fire protection district or library district to be  
37 effective immediately upon the effective date of the incorporation as  
38 a city or town.

1       The boundaries of a newly incorporated city or town shall be deemed  
2 to be established for purposes of RCW 84.09.030 on the date that the  
3 results of the initial election on the question of incorporation are  
4 certified or the first day of January following the date of this  
5 election if the newly incorporated city or town does not impose  
6 property taxes in the same year that the voters approve the  
7 incorporation.

8       The newly elected officials shall take office immediately upon  
9 their election and qualification with limited powers during this  
10 interim period as provided in this section. They shall acquire their  
11 full powers as of the official date of incorporation and shall continue  
12 in office until their successors are elected and qualified at the next  
13 general municipal election after the official date of incorporation:  
14 PROVIDED, That if the date of the next general municipal election is  
15 less than twelve months after the date of the first election of  
16 councilmembers, those initially elected councilmembers shall serve  
17 until their successors are elected and qualified at the next following  
18 general municipal election as provided in RCW 29A.20.040. For purposes  
19 of this section, the general municipal election shall be the date on  
20 which city and town general elections are held throughout the state of  
21 Washington, pursuant to RCW 29A.04.330.

22       In any newly incorporated city that has adopted the council-manager  
23 form of government, the term of office of the mayor, during the interim  
24 period only, shall be set by the council, and thereafter shall be as  
25 provided by law.

26       The official date of incorporation shall be on a date from one  
27 hundred eighty to three hundred sixty days after the date of the  
28 election on the question of incorporation, as specified in a resolution  
29 adopted by the governing body during this interim period. A copy of  
30 the resolution shall be filed with the county legislative authority of  
31 the county in which all or the major portion of the newly incorporated  
32 city or town is located. If the governing body fails to adopt such a  
33 resolution, the official date of incorporation shall be three hundred  
34 sixty days after the date of the election on the question of  
35 incorporation. The county legislative authority of the county in which  
36 all or the major portion of the newly incorporated city or town is  
37 located shall file a notice with the county assessor that the city or  
38 town has been authorized to be incorporated immediately after the

1 favorable results of the election on the question of incorporation have  
2 been certified. The county legislative authority shall file a notice  
3 with the secretary of state that the city or town is incorporated as of  
4 the official date of incorporation.

5 **Sec. 16.** RCW 35.21.759 and 2005 c 274 s 265 are each amended to  
6 read as follows:

7 A public corporation, commission, or authority created under this  
8 chapter, and officers and multimember governing body thereof, are  
9 subject to general laws regulating local governments, multimember  
10 governing bodies, and local governmental officials, including, but not  
11 limited to, the requirement to be audited by the state auditor and  
12 various accounting requirements provided under chapter 43.09 RCW, the  
13 open public record requirements of chapter 42.56 RCW, the prohibition  
14 on using its facilities for campaign purposes under RCW (~~42.17.130~~)  
15 42.17A.555, the open public meetings law of chapter 42.30 RCW, the code  
16 of ethics for municipal officers under chapter 42.23 RCW, and the local  
17 government whistleblower law under chapter 42.41 RCW.

18 **Sec. 17.** RCW 36.70A.200 and 2010 c 62 s 1 are each amended to read  
19 as follows:

20 (1) The comprehensive plan of each county and city that is planning  
21 under RCW 36.70A.040 shall include a process for identifying and siting  
22 essential public facilities. Essential public facilities include those  
23 facilities that are typically difficult to site, such as airports,  
24 state education facilities and state or regional transportation  
25 facilities as defined in RCW 47.06.140, regional transit authority  
26 facilities as defined in RCW 81.112.020, state and local correctional  
27 facilities, solid waste handling facilities, and in-patient facilities  
28 including substance abuse facilities, mental health facilities, group  
29 homes, and secure community transition facilities as defined in RCW  
30 71.09.020.

31 (2) Each county and city planning under RCW 36.70A.040 shall, not  
32 later than September 1, 2002, establish a process, or amend its  
33 existing process, for identifying and siting essential public  
34 facilities and adopt or amend its development regulations as necessary  
35 to provide for the siting of secure community transition facilities  
36 consistent with statutory requirements applicable to these facilities.

1 (3) Any city or county not planning under RCW 36.70A.040 shall, not  
2 later than September 1, 2002, establish a process for siting secure  
3 community transition facilities and adopt or amend its development  
4 regulations as necessary to provide for the siting of such facilities  
5 consistent with statutory requirements applicable to these facilities.

6 (4) The office of financial management shall maintain a list of  
7 those essential state public facilities that are required or likely to  
8 be built within the next six years. The office of financial management  
9 may at any time add facilities to the list.

10 (5) No local comprehensive plan or development regulation may  
11 preclude the siting of essential public facilities.

12 (6) No person may bring a cause of action for civil damages based  
13 on the good faith actions of any county or city to provide for the  
14 siting of secure community transition facilities in accordance with  
15 this section and with the requirements of chapter 12, Laws of 2001 2nd  
16 sp. sess. For purposes of this subsection, "person" includes, but is  
17 not limited to, any individual, agency as defined in RCW (~~42.17.020~~)  
18 42.17A.005, corporation, partnership, association, and limited  
19 liability entity.

20 (7) Counties or cities siting facilities pursuant to subsection (2)  
21 or (3) of this section shall comply with RCW 71.09.341.

22 (8) The failure of a county or city to act by the deadlines  
23 established in subsections (2) and (3) of this section is not:

24 (a) A condition that would disqualify the county or city for  
25 grants, loans, or pledges under RCW 43.155.070 or 70.146.070;

26 (b) A consideration for grants or loans provided under RCW  
27 43.17.250(2); or

28 (c) A basis for any petition under RCW 36.70A.280 or for any  
29 private cause of action.

30 **Sec. 18.** RCW 40.14.070 and 2005 c 227 s 1 are each amended to read  
31 as follows:

32 (1)(a) County, municipal, and other local government agencies may  
33 request authority to destroy noncurrent public records having no  
34 further administrative or legal value by submitting to the division of  
35 archives and records management lists of such records on forms prepared  
36 by the division. The archivist, a representative appointed by the  
37 state auditor, and a representative appointed by the attorney general

1 shall constitute a committee, known as the local records committee,  
2 which shall review such lists and which may veto the destruction of any  
3 or all items contained therein.

4 (b) A local government agency, as an alternative to submitting  
5 lists, may elect to establish a records control program based on  
6 recurring disposition schedules recommended by the agency to the local  
7 records committee. The schedules are to be submitted on forms provided  
8 by the division of archives and records management to the local records  
9 committee, which may either veto, approve, or amend the schedule.  
10 Approval of such schedule or amended schedule shall be by unanimous  
11 vote of the local records committee. Upon such approval, the schedule  
12 shall constitute authority for the local government agency to destroy  
13 the records listed thereon, after the required retention period, on a  
14 recurring basis until the schedule is either amended or revised by the  
15 committee.

16 (2)(a) Except as otherwise provided by law, no public records shall  
17 be destroyed until approved for destruction by the local records  
18 committee. Official public records shall not be destroyed unless:

- 19 (i) The records are six or more years old;
- 20 (ii) The department of origin of the records has made a  
21 satisfactory showing to the state records committee that the retention  
22 of the records for a minimum of six years is both unnecessary and  
23 uneconomical, particularly where lesser federal retention periods for  
24 records generated by the state under federal programs have been  
25 established; or
- 26 (iii) The originals of official public records less than six years  
27 old have been copied or reproduced by any photographic, photostatic,  
28 microfilm, miniature photographic, or other process approved by the  
29 state archivist which accurately reproduces or forms a durable medium  
30 for so reproducing the original.

31 An automatic reduction of retention periods from seven to six years  
32 for official public records on record retention schedules existing on  
33 June 10, 1982, shall not be made, but the same shall be reviewed  
34 individually by the local records committee for approval or disapproval  
35 of the change to a retention period of six years.

36 The state archivist may furnish appropriate information,  
37 suggestions, and guidelines to local government agencies for their  
38 assistance in the preparation of lists and schedules or any other

1 matter relating to the retention, preservation, or destruction of  
2 records under this chapter. The local records committee may adopt  
3 appropriate regulations establishing procedures to be followed in such  
4 matters.

5 Records of county, municipal, or other local government agencies,  
6 designated by the archivist as of primarily historical interest, may be  
7 transferred to a recognized depository agency.

8 (b)(i) Records of investigative reports prepared by any state,  
9 county, municipal, or other law enforcement agency pertaining to sex  
10 offenders contained in chapter 9A.44 RCW or sexually violent offenses  
11 as defined in RCW 71.09.020 that are not required in the current  
12 operation of the law enforcement agency or for pending judicial  
13 proceedings shall, following the expiration of the applicable schedule  
14 of the law enforcement agency's retention of the records, be  
15 transferred to the Washington association of sheriffs and police chiefs  
16 for permanent electronic retention and retrieval. Upon electronic  
17 retention of any document, the association shall be permitted to  
18 destroy the paper copy of the document.

19 (ii) Any sealed record transferred to the Washington association of  
20 sheriffs and police chiefs for permanent electronic retention and  
21 retrieval, including records sealed after transfer, shall be  
22 electronically retained in such a way that the record is clearly marked  
23 as sealed.

24 (iii) The Washington association of sheriffs and police chiefs  
25 shall be permitted to destroy both the paper copy and electronic record  
26 of any offender verified as deceased.

27 (c) Any record transferred to the Washington association of  
28 sheriffs and police chiefs pursuant to (b) of this subsection shall be  
29 deemed to no longer constitute a public record pursuant to RCW  
30 (~~42.17.020~~) 42.56.010 and shall be exempt from public disclosure.  
31 Such records shall be disseminated only to criminal justice agencies as  
32 defined in RCW 10.97.030 for the purpose of determining if a sex  
33 offender met the criteria of a sexually violent predator as defined in  
34 chapter 71.09 RCW and the end-of-sentence review committee as defined  
35 by RCW 72.09.345 for the purpose of fulfilling its duties under RCW  
36 71.09.025 and 9.95.420.

37 Electronic records marked as sealed shall only be accessible by  
38 criminal justice agencies as defined in RCW 10.97.030 who would



1 otherwise have access to a sealed paper copy of the document, the end-  
2 of-sentence review committee as defined by RCW 72.09.345 for the  
3 purpose of fulfilling its duties under RCW 71.09.025 and 9.95.420, and  
4 the system administrator for the purposes of system administration and  
5 maintenance.

6 (3) Except as otherwise provided by law, county, municipal, and  
7 other local government agencies may, as an alternative to destroying  
8 noncurrent public records having no further administrative or legal  
9 value, donate the public records to the state library, local library,  
10 historical society, genealogical society, or similar society or  
11 organization.

12 Public records may not be donated under this subsection unless:  
13 (a) The records are seventy years old or more;  
14 (b) The local records committee has approved the destruction of the  
15 public records; and  
16 (c) The state archivist has determined that the public records have  
17 no historic interest.

18 **Sec. 19.** RCW 42.17A.005 and 2010 c 204 s 101 are each reenacted  
19 and amended to read as follows:

20 The definitions in this section apply throughout this chapter  
21 unless the context clearly requires otherwise.

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

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

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

35 (4) "Ballot proposition" means any "measure" as defined by RCW  
36 29A.04.091, or any initiative, recall, or referendum proposition  
37 proposed to be submitted to the voters of the state or any municipal

1 corporation, political subdivision, or other voting constituency from  
2 and after the time when the proposition has been initially filed with  
3 the appropriate election officer of that constituency before its  
4 circulation for signatures.

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

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

9 (a) An organization that has been recognized as a minor political  
10 party by the secretary of state;

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

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

18 (7) "Candidate" means any individual who seeks nomination for  
19 election or election to public office. An individual seeks nomination  
20 or election when he or she first:

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

23 (b) Announces publicly or files for office;

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

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

28 (8) "Caucus political committee" means a political committee  
29 organized and maintained by the members of a major political party in  
30 the state senate or state house of representatives.

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

37 (10) "Commission" means the agency established under RCW  
38 42.17A.100.

1 (11) "Compensation" unless the context requires a narrower meaning,  
2 includes payment in any form for real or personal property or services  
3 of any kind. For the purpose of compliance with RCW 42.17A.710,  
4 "compensation" does not include per diem allowances or other payments  
5 made by a governmental entity to reimburse a public official for  
6 expenses incurred while the official is engaged in the official  
7 business of the governmental entity.

8 (12) "Continuing political committee" means a political committee  
9 that is an organization of continuing existence not established in  
10 anticipation of any particular election campaign.

11 (13)(a) "Contribution" includes:

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

16 (ii) An expenditure made by a person in cooperation, consultation,  
17 or concert with, or at the request or suggestion of, a candidate, a  
18 political committee, the person or persons named on the candidate's or  
19 committee's registration form who direct expenditures on behalf of the  
20 candidate or committee, or their agents;

21 (iii) The financing by a person of the dissemination, distribution,  
22 or republication, in whole or in part, of broadcast, written, graphic,  
23 or other form of political advertising or electioneering communication  
24 prepared by a candidate, a political committee, or its authorized  
25 agent;

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

29 (b) "Contribution" does not include:

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

32 (ii) Ordinary home hospitality;

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

36 (iv) A news item, feature, commentary, or editorial in a regularly  
37 scheduled news medium that is of primary interest to the general

1 public, that is in a news medium controlled by a person whose business  
2 is that news medium, and that is not controlled by a candidate or a  
3 political committee;

4 (v) An internal political communication primarily limited to the  
5 members of or contributors to a political party organization or  
6 political committee, or to the officers, management staff, or  
7 stockholders of a corporation or similar enterprise, or to the members  
8 of a labor organization or other membership organization;

9 (vi) The rendering of personal services of the sort commonly  
10 performed by volunteer campaign workers, or incidental expenses  
11 personally incurred by volunteer campaign workers not in excess of  
12 fifty dollars personally paid for by the worker. "Volunteer services,"  
13 for the purposes of this subsection, means services or labor for which  
14 the individual is not compensated by any person;

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

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

22 (A) A political party or caucus political committee if the person  
23 paying for the services is the regular employer of the person rendering  
24 such services; or

25 (B) A candidate or an authorized committee if the person paying for  
26 the services is the regular employer of the individual rendering the  
27 services and if the services are solely for the purpose of ensuring  
28 compliance with state election or public disclosure laws; or

29 (ix) The performance of ministerial functions by a person on behalf  
30 of two or more candidates or political committees either as volunteer  
31 services defined in (b)(vi) of this subsection or for payment by the  
32 candidate or political committee for whom the services are performed as  
33 long as:

34 (A) The person performs solely ministerial functions;

35 (B) A person who is paid by two or more candidates or political  
36 committees is identified by the candidates and political committees on  
37 whose behalf services are performed as part of their respective  
38 statements of organization under RCW 42.17A.205; and

1 (C) The person does not disclose, except as required by law, any  
2 information regarding a candidate's or committee's plans, projects,  
3 activities, or needs, or regarding a candidate's or committee's  
4 contributions or expenditures that is not already publicly available  
5 from campaign reports filed with the commission, or otherwise engage in  
6 activity that constitutes a contribution under (a)(ii) of this  
7 subsection.

8 A person who performs ministerial functions under this subsection  
9 (13)(b)(ix) is not considered an agent of the candidate or committee as  
10 long as he or she has no authority to authorize expenditures or make  
11 decisions on behalf of the candidate or committee.

12 (c) Contributions other than money or its equivalent are deemed to  
13 have a monetary value equivalent to the fair market value of the  
14 contribution. Services or property or rights furnished at less than  
15 their fair market value for the purpose of assisting any candidate or  
16 political committee are deemed a contribution. Such a contribution  
17 must be reported as an in-kind contribution at its fair market value  
18 and counts towards any applicable contribution limit of the provider.

19 (14) "Depository" means a bank, mutual savings bank, savings and  
20 loan association, or credit union doing business in this state.

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

24 (16) "Election" includes any primary, general, or special election  
25 for public office and any election in which a ballot proposition is  
26 submitted to the voters. An election in which the qualifications for  
27 voting include other than those requirements set forth in Article VI,  
28 section 1 (Amendment 63) of the Constitution of the state of Washington  
29 shall not be considered an election for purposes of this chapter.

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

33 (18) "Election cycle" means the period beginning on the first day  
34 of January after the date of the last previous general election for the  
35 office that the candidate seeks and ending on December 31st after the  
36 next election for the office. In the case of a special election to  
37 fill a vacancy in an office, "election cycle" means the period

1 beginning on the day the vacancy occurs and ending on December 31st  
2 after the special election.

3 (19)(a) "Electioneering communication" means any broadcast, cable,  
4 or satellite television or radio transmission, United States postal  
5 service mailing, billboard, newspaper, or periodical that:

6 ~~((+a))~~ (i) Clearly identifies a candidate for a state, local, or  
7 judicial office either by specifically naming the candidate, or  
8 identifying the candidate without using the candidate's name;

9 ~~((+b))~~ (ii) Is broadcast, transmitted, mailed, erected,  
10 distributed, or otherwise published within sixty days before any  
11 election for that office in the jurisdiction in which the candidate is  
12 seeking election; and

13 ~~((+c))~~ (iii) Either alone, or in combination with one or more  
14 communications identifying the candidate by the same sponsor during the  
15 sixty days before an election, has a fair market value of five thousand  
16 dollars or more.

17 ~~((+20))~~ (b) "Electioneering communication" does not include:

18 ~~((+a))~~ (i) Usual and customary advertising of a business owned by  
19 a candidate, even if the candidate is mentioned in the advertising when  
20 the candidate has been regularly mentioned in that advertising  
21 appearing at least twelve months preceding his or her becoming a  
22 candidate;

23 ~~((+b))~~ (ii) Advertising for candidate debates or forums when the  
24 advertising is paid for by or on behalf of the debate or forum sponsor,  
25 so long as two or more candidates for the same position have been  
26 invited to participate in the debate or forum;

27 ~~((+c))~~ (iii) A news item, feature, commentary, or editorial in a  
28 regularly scheduled news medium that is:

29 ~~((+i))~~ (A) Of primary interest to the general public;

30 ~~((+ii))~~ (B) In a news medium controlled by a person whose business  
31 is that news medium; and

32 ~~((+iii))~~ (C) Not a medium controlled by a candidate or a political  
33 committee;

34 ~~((+d))~~ (iv) Slate cards and sample ballots;

35 ~~((+e))~~ (v) Advertising for books, films, dissertations, or similar  
36 works ~~((+i))~~ (A) written by a candidate when the candidate entered  
37 into a contract for such publications or media at least twelve months  
38 before becoming a candidate, or ~~((+ii))~~ (B) written about a candidate;

1           ~~((f))~~ (vi) Public service announcements;

2           ~~((g))~~ (vii) A mailed internal political communication primarily  
3 limited to the members of or contributors to a political party  
4 organization or political committee, or to the officers, management  
5 staff, or stockholders of a corporation or similar enterprise, or to  
6 the members of a labor organization or other membership organization;

7           ~~((h))~~ (viii) An expenditure by or contribution to the authorized  
8 committee of a candidate for state, local, or judicial office; or

9           ~~((i))~~ (ix) Any other communication exempted by the commission  
10 through rule consistent with the intent of this chapter.

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

25           ~~((22))~~ (21) "Final report" means the report described as a final  
26 report in RCW 42.17A.235(2).

27           ~~((23))~~ (22) "General election" for the purposes of RCW 42.17A.405  
28 means the election that results in the election of a person to a state  
29 or local office. It does not include a primary.

30           ~~((24))~~ (23) "Gift" has the definition in RCW 42.52.010.

31           ~~((25))~~ (24) "Immediate family" includes the spouse or domestic  
32 partner, dependent children, and other dependent relatives, if living  
33 in the household. For the purposes of the definition of "intermediary"  
34 in this section, "immediate family" means an individual's spouse or  
35 domestic partner, and child, stepchild, grandchild, parent, stepparent,  
36 grandparent, brother, half brother, sister, or half sister of the  
37 individual and the spouse or the domestic partner of any such person  
38 and a child, stepchild, grandchild, parent, stepparent, grandparent,

1 brother, half brother, sister, or half sister of the individual's  
2 spouse or domestic partner and the spouse or the domestic partner of  
3 any such person.

4 ~~((+26))~~ (25) "Incumbent" means a person who is in present  
5 possession of an elected office.

6 ~~((+27))~~ (26) "Independent expenditure" means an expenditure that  
7 has each of the following elements:

8 (a) It is made in support of or in opposition to a candidate for  
9 office by a person who is not (i) a candidate for that office, (ii) an  
10 authorized committee of that candidate for that office, (iii) a person  
11 who has received the candidate's encouragement or approval to make the  
12 expenditure, if the expenditure pays in whole or in part for political  
13 advertising supporting that candidate or promoting the defeat of any  
14 other candidate or candidates for that office, or (iv) a person with  
15 whom the candidate has collaborated for the purpose of making the  
16 expenditure, if the expenditure pays in whole or in part for political  
17 advertising supporting that candidate or promoting the defeat of any  
18 other candidate or candidates for that office;

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

23 (c) The expenditure, alone or in conjunction with another  
24 expenditure or other expenditures of the same person in support of or  
25 opposition to that candidate, has a value of eight hundred dollars or  
26 more. A series of expenditures, each of which is under eight hundred  
27 dollars, constitutes one independent expenditure if their cumulative  
28 value is eight hundred dollars or more.

29 ~~((+28))~~ (27)(a) "Intermediary" means an individual who transmits  
30 a contribution to a candidate or committee from another person unless  
31 the contribution is from the individual's employer, immediate family,  
32 or an association to which the individual belongs.

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

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



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

3 ~~((+29))~~ (28) "Legislation" means bills, resolutions, motions,  
4 amendments, nominations, and other matters pending or proposed in  
5 either house of the state legislature, and includes any other matter  
6 that may be the subject of action by either house or any committee of  
7 the legislature and all bills and resolutions that, having passed both  
8 houses, are pending approval by the governor.

9 ~~((+30))~~ (29) "Legislative office" means the office of a member of  
10 the state house of representatives or the office of a member of the  
11 state senate.

12 ~~((+31))~~ (30) "Lobby" and "lobbying" each mean attempting to  
13 influence the passage or defeat of any legislation by the legislature  
14 of the state of Washington, or the adoption or rejection of any rule,  
15 standard, rate, or other legislative enactment of any state agency  
16 under the state administrative procedure act, chapter 34.05 RCW.  
17 Neither "lobby" nor "lobbying" includes an association's or other  
18 organization's act of communicating with the members of that  
19 association or organization.

20 ~~((+32))~~ (31) "Lobbyist" includes any person who lobbies either in  
21 his or her own or another's behalf.

22 ~~((+33))~~ (32) "Lobbyist's employer" means the person or persons by  
23 whom a lobbyist is employed and all persons by whom he or she is  
24 compensated for acting as a lobbyist.

25 ~~((+34))~~ (33) "Ministerial functions" means an act or duty carried  
26 out as part of the duties of an administrative office without exercise  
27 of personal judgment or discretion.

28 ~~((+35))~~ (34) "Participate" means that, with respect to a  
29 particular election, an entity:

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

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

33 (c) Endorses a candidate before contributions are made by a  
34 subsidiary corporation or local unit with respect to that candidate or  
35 that candidate's opponent;

36 (d) Makes a recommendation regarding whether a candidate should be  
37 supported or opposed before a contribution is made by a subsidiary

1 corporation or local unit with respect to that candidate or that  
2 candidate's opponent; or

3 (e) Directly or indirectly collaborates or consults with a  
4 subsidiary corporation or local unit on matters relating to the support  
5 of or opposition to a candidate, including, but not limited to, the  
6 amount of a contribution, when a contribution should be given, and what  
7 assistance, services or independent expenditures, or electioneering  
8 communications, if any, will be made or should be made in support of or  
9 opposition to a candidate.

10 ((+36+)) (35) "Person" includes an individual, partnership, joint  
11 venture, public or private corporation, association, federal, state, or  
12 local governmental entity or agency however constituted, candidate,  
13 committee, political committee, political party, executive committee  
14 thereof, or any other organization or group of persons, however  
15 organized.

16 ((+37+)) (36) "Political advertising" includes any advertising  
17 displays, newspaper ads, billboards, signs, brochures, articles,  
18 tabloids, flyers, letters, radio or television presentations, or other  
19 means of mass communication, used for the purpose of appealing,  
20 directly or indirectly, for votes or for financial or other support or  
21 opposition in any election campaign.

22 ((+38+)) (37) "Political committee" means any person (except a  
23 candidate or an individual dealing with his or her own funds or  
24 property) having the expectation of receiving contributions or making  
25 expenditures in support of, or opposition to, any candidate or any  
26 ballot proposition.

27 ((+39+)) (38) "Primary" for the purposes of RCW 42.17A.405 means  
28 the procedure for nominating a candidate to state or local office under  
29 chapter 29A.52 RCW or any other primary for an election that uses, in  
30 large measure, the procedures established in chapter 29A.52 RCW.

31 ((+40+)) (39) "Public office" means any federal, state, judicial,  
32 county, city, town, school district, port district, special district,  
33 or other state political subdivision elective office.

34 ((+41+)) (40) "Public record" has the definition in RCW 42.56.010.

35 ((+42+)) (41) "Recall campaign" means the period of time beginning  
36 on the date of the filing of recall charges under RCW 29A.56.120 and  
37 ending thirty days after the recall election.

1       (~~(43)~~) (42) "Sponsor of an electioneering communications,  
2 independent expenditures, or political advertising" means the person  
3 paying for the electioneering communication, independent expenditure,  
4 or political advertising. If a person acts as an agent for another or  
5 is reimbursed by another for the payment, the original source of the  
6 payment is the sponsor.

7       (~~(44)~~) (43) "State office" means state legislative office or the  
8 office of governor, lieutenant governor, secretary of state, attorney  
9 general, commissioner of public lands, insurance commissioner,  
10 superintendent of public instruction, state auditor, or state  
11 treasurer.

12       (~~(45)~~) (44) "State official" means a person who holds a state  
13 office.

14       (~~(46)~~) (45) "Surplus funds" mean, in the case of a political  
15 committee or candidate, the balance of contributions that remain in the  
16 possession or control of that committee or candidate subsequent to the  
17 election for which the contributions were received, and that are in  
18 excess of the amount necessary to pay remaining debts incurred by the  
19 committee or candidate with respect to that election. In the case of  
20 a continuing political committee, "surplus funds" mean those  
21 contributions remaining in the possession or control of the committee  
22 that are in excess of the amount necessary to pay all remaining debts  
23 when it makes its final report under RCW 42.17A.255.

24       (~~(47)~~) (46) "Treasurer" and "deputy treasurer" mean the  
25 individuals appointed by a candidate or political committee, pursuant  
26 to RCW 42.17A.210, to perform the duties specified in that section.

27       **Sec. 20.** RCW 42.17A.110 and 2010 1st sp.s. c 7 s 4 and 2010 c 204  
28 s 303 are each reenacted to read as follows:

29       The commission may:

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

1 (2) Appoint an executive director and set, within the limits  
2 established by the department of personnel under RCW 43.03.028, the  
3 executive director's compensation. The executive director shall  
4 perform such duties and have such powers as the commission may  
5 prescribe and delegate to implement and enforce this chapter  
6 efficiently and effectively. The commission shall not delegate its  
7 authority to adopt, amend, or rescind rules nor may it delegate  
8 authority to determine whether an actual violation of this chapter has  
9 occurred or to assess penalties for such violations;

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

15 (4) Conduct, as it deems appropriate, audits and field  
16 investigations;

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

20 (6) Administer oaths and affirmations, issue subpoenas, and compel  
21 attendance, take evidence, and require the production of any records  
22 relevant to any investigation authorized under this chapter, or any  
23 other proceeding under this chapter;

24 (7) Adopt a code of fair campaign practices;

25 (8) Adopt rules relieving candidates or political committees of  
26 obligations to comply with the election campaign provisions of this  
27 chapter, if they have not received contributions nor made expenditures  
28 in connection with any election campaign of more than five thousand  
29 dollars;

30 (9) Adopt rules prescribing reasonable requirements for keeping  
31 accounts of, and reporting on a quarterly basis, costs incurred by  
32 state agencies, counties, cities, and other municipalities and  
33 political subdivisions in preparing, publishing, and distributing  
34 legislative information. For the purposes of this subsection,  
35 "legislative information" means books, pamphlets, reports, and other  
36 materials prepared, published, or distributed at substantial cost, a  
37 substantial purpose of which is to influence the passage or defeat of  
38 any legislation. The state auditor in his or her regular examination

1 of each agency under chapter 43.09 RCW shall review the rules,  
2 accounts, and reports and make appropriate findings, comments, and  
3 recommendations concerning those agencies; and

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

8 **Sec. 21.** RCW 42.17A.125 and 2010 c 204 s 305 are each amended to  
9 read as follows:

10 (1) At the beginning of each even-numbered calendar year, the  
11 commission shall increase or decrease the dollar amounts in RCW  
12 42.17A.005(~~((28))~~) (26), 42.17A.405, 42.17A.410, 42.17A.445(3),  
13 42.17A.475, and 42.17A.630(1) based on changes in economic conditions  
14 as reflected in the inflationary index recommended by the office of  
15 financial management. The new dollar amounts established by the  
16 commission under this section shall be rounded off to amounts as judged  
17 most convenient for public understanding and so as to be within ten  
18 percent of the target amount equal to the base amount provided in this  
19 chapter multiplied by the increase in the inflationary index since July  
20 2008.

21 (2) The commission may revise, at least once every five years but  
22 no more often than every two years, the monetary reporting thresholds  
23 and reporting code values of this chapter. The revisions shall be only  
24 for the purpose of recognizing economic changes as reflected by an  
25 inflationary index recommended by the office of financial management.  
26 The revisions shall be guided by the change in the index for the period  
27 commencing with the month of December preceding the last revision and  
28 concluding with the month of December preceding the month the revision  
29 is adopted. As to each of the three general categories of this  
30 chapter, reports of campaign finance, reports of lobbyist activity, and  
31 reports of the financial affairs of elected and appointed officials,  
32 the revisions shall equally affect all thresholds within each category.  
33 The revisions authorized by this subsection shall reflect economic  
34 changes from the time of the last legislative enactment affecting the  
35 respective code or threshold.

36 (3) Revisions made in accordance with subsections (1) and (2) of  
37 this section shall be adopted as rules under chapter 34.05 RCW.

1       **Sec. 22.** RCW 42.17A.225 and 2010 c 205 s 4 and 2010 c 204 s 406  
2 are each reenacted and amended to read as follows:

3       (1) In addition to the provisions of this section, a continuing  
4 political committee shall file and report on the same conditions and at  
5 the same times as any other committee in accordance with the provisions  
6 of RCW 42.17A.205, 42.17A.210, and 42.17A.220.

7       (2) A continuing political committee shall file with the commission  
8 a report on the tenth day of each month detailing expenditures made and  
9 contributions received for the preceding calendar month. This report  
10 need only be filed if either the total contributions received or total  
11 expenditures made since the last such report exceed two hundred  
12 dollars. ~~((The report must be filed with the commission and the  
13 auditor or elections officer of the county in which the committee  
14 maintains its office or headquarters. If the committee does not have  
15 an office or headquarters, the report must be filed in the county where  
16 the committee treasurer resides. However, if the committee files with  
17 the commission electronically, it need not also file with the county  
18 auditor or elections officer.))~~ The report shall be on a form supplied  
19 by the commission and shall include the following information:

20       (a) The information required by RCW 42.17A.240;

21       (b) Each expenditure made to retire previously accumulated debts of  
22 the committee identified by recipient, amount, and date of payments;

23       (c) Other information the commission shall prescribe by rule.

24       (3) If a continuing political committee makes a contribution in  
25 support of or in opposition to a candidate or ballot proposition within  
26 sixty days before the date that the candidate or ballot proposition  
27 will be voted upon, the committee shall report pursuant to RCW  
28 42.17A.235.

29       (4) A continuing political committee shall file reports as required  
30 by this chapter until it is dissolved, at which time a final report  
31 shall be filed. Upon submitting a final report, the duties of the  
32 treasurer shall cease and there shall be no obligation to make any  
33 further reports.

34       (5) The treasurer shall maintain books of account, current within  
35 five business days, that accurately reflect all contributions and  
36 expenditures. During the eight days immediately preceding the date of  
37 any election that the committee has received any contributions or made  
38 any expenditures, the books of account shall be kept current within one

1 business day and shall be open for public inspection in the same manner  
2 as provided for candidates and other political committees in RCW  
3 42.17A.235(~~(+5)~~) (4).

4 (6) All reports filed pursuant to this section shall be certified  
5 as correct by the treasurer.

6 (7) The treasurer shall preserve books of account, bills, receipts,  
7 and all other financial records of the campaign or political committee  
8 for not less than five calendar years following the year during which  
9 the transaction occurred.

10 **Sec. 23.** RCW 42.17A.235 and 2010 c 205 s 6 and 2010 c 204 s 408  
11 are each reenacted to read as follows:

12 (1) In addition to the information required under RCW 42.17A.205  
13 and 42.17A.210, on the day the treasurer is designated, each candidate  
14 or political committee must file with the commission a report of all  
15 contributions received and expenditures made prior to that date, if  
16 any.

17 (2) Each treasurer shall file with the commission a report  
18 containing the information required by RCW 42.17A.240 at the following  
19 intervals:

20 (a) On the twenty-first day and the seventh day immediately  
21 preceding the date on which the election is held;

22 (b) On the tenth day of the first month after the election; and

23 (c) On the tenth day of each month in which no other reports are  
24 required to be filed under this section only if the committee has  
25 received a contribution or made an expenditure in the preceding  
26 calendar month and either the total contributions received or total  
27 expenditures made since the last such report exceed two hundred  
28 dollars.

29 The report filed twenty-one days before the election shall report  
30 all contributions received and expenditures made as of the end of one  
31 business day before the date of the report. The report filed seven  
32 days before the election shall report all contributions received and  
33 expenditures made as of the end of one business day before the date of  
34 the report. Reports filed on the tenth day of the month shall report  
35 all contributions received and expenditures made from the closing date  
36 of the last report filed through the last day of the month preceding  
37 the date of the current report.

1 (3) For the period beginning the first day of the fourth month  
2 preceding the date of the special election, or for the period beginning  
3 the first day of the fifth month before the date of the general  
4 election, and ending on the date of that special or general election,  
5 each Monday the treasurer shall file with the commission a report of  
6 each bank deposit made during the previous seven calendar days. The  
7 report shall contain the name of each person contributing the funds and  
8 the amount contributed by each person. However, persons who contribute  
9 no more than twenty-five dollars in the aggregate are not required to  
10 be identified in the report. A copy of the report shall be retained by  
11 the treasurer for his or her records. In the event of deposits made by  
12 a deputy treasurer, the copy shall be forwarded to the treasurer for  
13 his or her records. Each report shall be certified as correct by the  
14 treasurer or deputy treasurer making the deposit.

15 (4) The treasurer or candidate shall maintain books of account  
16 accurately reflecting all contributions and expenditures on a current  
17 basis within five business days of receipt or expenditure. During the  
18 eight days immediately preceding the date of the election the books of  
19 account shall be kept current within one business day. As specified in  
20 the committee's statement of organization filed under RCW 42.17A.205,  
21 the books of account must be open for public inspection by appointment  
22 at the designated place for inspections between 8:00 a.m. and 8:00 p.m.  
23 on any day from the eighth day immediately before the election through  
24 the day immediately before the election, other than Saturday, Sunday,  
25 or a legal holiday. It is a violation of this chapter for a candidate  
26 or political committee to refuse to allow and keep an appointment for  
27 an inspection to be conducted during these authorized times and days.  
28 The appointment must be allowed at an authorized time and day for such  
29 inspections that is within twenty-four hours of the time and day that  
30 is requested for the inspection.

31 (5) Copies of all reports filed pursuant to this section shall be  
32 readily available for public inspection by appointment, pursuant to  
33 subsection (4) of this section, at the principal headquarters or, if  
34 there is no headquarters, at the address of the treasurer or such other  
35 place as may be authorized by the commission.

36 (6) The treasurer or candidate shall preserve books of account,  
37 bills, receipts, and all other financial records of the campaign or



1 political committee for not less than five calendar years following the  
2 year during which the transaction occurred.

3 (7) All reports filed pursuant to subsection (1) or (2) of this  
4 section shall be certified as correct by the candidate and the  
5 treasurer.

6 (8) When there is no outstanding debt or obligation, the campaign  
7 fund is closed, and the campaign is concluded in all respects or in the  
8 case of a political committee, the committee has ceased to function and  
9 has dissolved, the treasurer shall file a final report. Upon  
10 submitting a final report, the duties of the treasurer shall cease and  
11 there is no obligation to make any further reports.

12 **Sec. 24.** RCW 42.17A.255 and 2010 c 205 s 7 are each amended to  
13 read as follows:

14 (1) For the purposes of this section the term "independent  
15 expenditure" means any expenditure that is made in support of or in  
16 opposition to any candidate or ballot proposition and is not otherwise  
17 required to be reported pursuant to RCW (~~42.17.060, 42.17.080, or~~  
18 ~~42.17.090~~) 42.17A.220, 42.17A.235, and 42.17A.240. "Independent  
19 expenditure" does not include: An internal political communication  
20 primarily limited to the contributors to a political party organization  
21 or political action committee, or the officers, management staff, and  
22 stockholders of a corporation or similar enterprise, or the members of  
23 a labor organization or other membership organization; or the rendering  
24 of personal services of the sort commonly performed by volunteer  
25 campaign workers, or incidental expenses personally incurred by  
26 volunteer campaign workers not in excess of fifty dollars personally  
27 paid for by the worker. "Volunteer services," for the purposes of this  
28 section, means services or labor for which the individual is not  
29 compensated by any person.

30 (2) Within five days after the date of making an independent  
31 expenditure that by itself or when added to all other such independent  
32 expenditures made during the same election campaign by the same person  
33 equals one hundred dollars or more, or within five days after the date  
34 of making an independent expenditure for which no reasonable estimate  
35 of monetary value is practicable, whichever occurs first, the person  
36 who made the independent expenditure shall file with the commission an

1 initial report of all independent expenditures made during the campaign  
2 prior to and including such date.

3 (3) At the following intervals each person who is required to file  
4 an initial report pursuant to subsection (2) of this section shall file  
5 with the commission a further report of the independent expenditures  
6 made since the date of the last report:

7 (a) On the twenty-first day and the seventh day preceding the date  
8 on which the election is held; and

9 (b) On the tenth day of the first month after the election; and

10 (c) On the tenth day of each month in which no other reports are  
11 required to be filed pursuant to this section. However, the further  
12 reports required by this subsection (3) shall only be filed if the  
13 reporting person has made an independent expenditure since the date of  
14 the last previous report filed.

15 The report filed pursuant to paragraph (a) of this subsection (3)  
16 shall be the final report, and upon submitting such final report the  
17 duties of the reporting person shall cease, and there shall be no  
18 obligation to make any further reports.

19 (4) All reports filed pursuant to this section shall be certified  
20 as correct by the reporting person.

21 (5) Each report required by subsections (2) and (3) of this section  
22 shall disclose for the period beginning at the end of the period for  
23 the last previous report filed or, in the case of an initial report,  
24 beginning at the time of the first independent expenditure, and ending  
25 not more than one business day before the date the report is due:

26 (a) The name and address of the person filing the report;

27 (b) The name and address of each person to whom an independent  
28 expenditure was made in the aggregate amount of more than fifty  
29 dollars, and the amount, date, and purpose of each such expenditure.  
30 If no reasonable estimate of the monetary value of a particular  
31 independent expenditure is practicable, it is sufficient to report  
32 instead a precise description of services, property, or rights  
33 furnished through the expenditure and where appropriate to attach a  
34 copy of the item produced or distributed by the expenditure;

35 (c) The total sum of all independent expenditures made during the  
36 campaign to date; and

37 (d) Such other information as shall be required by the commission  
38 by rule in conformance with the policies and purposes of this chapter.

1       **Sec. 25.** RCW 42.17A.415 and 2006 c 348 s 4 are each amended to  
2 read as follows:

3       (1) Contributions to candidates for state office made and received  
4 before December 3, 1992, are considered to be contributions under RCW  
5 42.17.640 through 42.17.790. Monetary contributions that exceed the  
6 contribution limitations and that have not been spent by the recipient  
7 of the contribution by December 3, 1992, must be disposed of in  
8 accordance with RCW (~~(42.17.095)~~) 42.17A.430.

9       (2) Contributions to other candidates subject to the contribution  
10 limits of this chapter made and received before June 7, 2006, are  
11 considered to be contributions under RCW 42.17.640 through 42.17.790.  
12 Contributions that exceed the contribution limitations and that have  
13 not been spent by the recipient of the contribution by June 7, 2006,  
14 must be disposed of in accordance with RCW (~~(42.17.095)~~) 42.17A.430  
15 except for subsections (6) and (7) of that section.

16       **Sec. 26.** RCW 42.17A.770 and 2007 c 455 s 2 are each amended to  
17 read as follows:

18       Except as provided in RCW (~~(42.17.400(4)(a)(iv))~~)  
19 42.17A.765(4)(a)(iv), any action brought under the provisions of this  
20 chapter must be commenced within five years after the date when the  
21 violation occurred.

22       **Sec. 27.** RCW 42.36.040 and 1982 c 229 s 4 are each amended to read  
23 as follows:

24       Prior to declaring as a candidate for public office or while  
25 campaigning for public office as defined by RCW (~~(42.17.020(5) and~~  
26 ~~(25))~~) 42.17A.005 no public discussion or expression of an opinion by  
27 a person subsequently elected to a public office, on any pending or  
28 proposed quasi-judicial actions, shall be a violation of the appearance  
29 of fairness doctrine.

30       **Sec. 28.** RCW 42.52.010 and 2005 c 106 s 1 are each amended to read  
31 as follows:

32       Unless the context clearly requires otherwise, the definitions in  
33 this section apply throughout this chapter.

34       (1) "Agency" means any state board, commission, bureau, committee,  
35 department, institution, division, or tribunal in the legislative,

1 executive, or judicial branch of state government. "Agency" includes  
2 all elective offices, the state legislature, those institutions of  
3 higher education created and supported by the state government, and  
4 those courts that are parts of state government.

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

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

15 (4) "Beneficial interest" has the meaning ascribed to it under the  
16 Washington case law. However, an ownership interest in a mutual fund  
17 or similar investment pooling fund in which the owner has no management  
18 powers does not constitute a beneficial interest in the entities in  
19 which the fund or pool invests.

20 (5) "Compensation" means anything of economic value, however  
21 designated, that is paid, loaned, granted, or transferred, or to be  
22 paid, loaned, granted, or transferred for, or in consideration of,  
23 personal services to any person.

24 (6) "Confidential information" means (a) specific information,  
25 rather than generalized knowledge, that is not available to the general  
26 public on request or (b) information made confidential by law.

27 (7) "Contract" or "grant" means an agreement between two or more  
28 persons that creates an obligation to do or not to do a particular  
29 thing. "Contract" or "grant" includes, but is not limited to, an  
30 employment contract, a lease, a license, a purchase agreement, or a  
31 sales agreement.

32 (8) "Ethics boards" means the commission on judicial conduct, the  
33 legislative ethics board, and the executive ethics board.

34 (9) "Family" has the same meaning as "immediate family" in RCW  
35 (~~42.17.020~~) 42.17A.005.

36 (10) "Gift" means anything of economic value for which no  
37 consideration is given. "Gift" does not include:

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

5 (b) Items related to the outside business of the recipient that are  
6 customary and not related to the recipient's performance of official  
7 duties;

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

10 (d) Payments by a governmental or nongovernmental entity of  
11 reasonable expenses incurred in connection with a speech, presentation,  
12 appearance, or trade mission made in an official capacity. As used in  
13 this subsection, "reasonable expenses" are limited to travel, lodging,  
14 and subsistence expenses incurred the day before through the day after  
15 the event;

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

18 (f) Payment of enrollment and course fees and reasonable travel  
19 expenses attributable to attending seminars and educational programs  
20 sponsored by a bona fide governmental or nonprofit professional,  
21 educational, trade, or charitable association or institution. As used  
22 in this subsection, "reasonable expenses" are limited to travel,  
23 lodging, and subsistence expenses incurred the day before through the  
24 day after the event;

25 (g) Items returned by the recipient to the donor within thirty days  
26 of receipt or donated to a charitable organization within thirty days  
27 of receipt;

28 (h) Campaign contributions reported under chapter (~~42.17~~) 42.17A  
29 RCW;

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

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

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

1 (12) "Official duty" means those duties within the specific scope  
2 of employment of the state officer or state employee as defined by the  
3 officer's or employee's agency or by statute or the state Constitution.

4 (13) "Participate" means to participate in state action or a  
5 proceeding personally and substantially as a state officer or state  
6 employee, through approval, disapproval, decision, recommendation, the  
7 rendering of advice, investigation, or otherwise but does not include  
8 preparation, consideration, or enactment of legislation or the  
9 performance of legislative duties.

10 (14) "Person" means any individual, partnership, association,  
11 corporation, firm, institution, or other entity, whether or not  
12 operated for profit.

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

18 (16) "Responsibility" in connection with a transaction involving  
19 the state, means the direct administrative or operating authority,  
20 whether intermediate or final, and either exercisable alone or through  
21 subordinates, effectively to approve, disapprove, or otherwise direct  
22 state action in respect of such transaction.

23 (17) "State action" means any action on the part of an agency,  
24 including, but not limited to:

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

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

29 (18) "State officer" means every person holding a position of  
30 public trust in or under an executive, legislative, or judicial office  
31 of the state. "State officer" includes judges of the superior court,  
32 judges of the court of appeals, justices of the supreme court, members  
33 of the legislature together with the secretary of the senate and the  
34 chief clerk of the house of representatives, holders of elective  
35 offices in the executive branch of state government, chief executive  
36 officers of state agencies, members of boards, commissions, or  
37 committees with authority over one or more state agencies or  
38 institutions, and employees of the state who are engaged in

1 supervisory, policy-making, or policy-enforcing work. For the purposes  
2 of this chapter, "state officer" also includes any person exercising or  
3 undertaking to exercise the powers or functions of a state officer.

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

8 (20) "University" includes "state universities" and "regional  
9 universities" as defined in RCW 28B.10.016 and also includes any  
10 research or technology institute affiliated with a university,  
11 including without limitation, the Spokane Intercollegiate Research and  
12 Technology Institute and the Washington Technology Center.

13 (21) "University research employee" means a state officer or state  
14 employee employed by a university, but only to the extent the state  
15 officer or state employee is engaged in research, technology transfer,  
16 approved consulting activities related to research and technology  
17 transfer, or other incidental activities.

18 (22) "Thing of economic value," in addition to its ordinary  
19 meaning, includes:

20 (a) A loan, property interest, interest in a contract or other  
21 chose in action, and employment or another arrangement involving a  
22 right to compensation;

23 (b) An option, irrespective of the conditions to the exercise of  
24 the option; and

25 (c) A promise or undertaking for the present or future delivery or  
26 procurement.

27 (23)(a) "Transaction involving the state" means a proceeding,  
28 application, submission, request for a ruling or other determination,  
29 contract, claim, case, or other similar matter that the state officer,  
30 state employee, or former state officer or state employee in question  
31 believes, or has reason to believe:

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

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

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

36 (b) "Transaction involving the state" does not include the  
37 following: Preparation, consideration, or enactment of legislation,  
38 including appropriation of moneys in a budget, or the performance of

1 legislative duties by an officer or employee; or a claim, case,  
2 lawsuit, or similar matter if the officer or employee did not  
3 participate in the underlying transaction involving the state that is  
4 the basis for the claim, case, or lawsuit.

5 **Sec. 29.** RCW 42.52.150 and 2006 c 5 s 3 are each amended to read  
6 as follows:

7 (1) No state officer or state employee may accept gifts, other than  
8 those specified in subsections (2) and (5) of this section, with an  
9 aggregate value in excess of fifty dollars from a single source in a  
10 calendar year or a single gift from multiple sources with a value in  
11 excess of fifty dollars. For purposes of this section, "single source"  
12 means any person, as defined in RCW 42.52.010, whether acting directly  
13 or through any agent or other intermediary, and "single gift" includes  
14 any event, item, or group of items used in conjunction with each other  
15 or any trip including transportation, lodging, and attendant costs, not  
16 excluded from the definition of gift under RCW 42.52.010. The value of  
17 gifts given to an officer's or employee's family member or guest shall  
18 be attributed to the official or employee for the purpose of  
19 determining whether the limit has been exceeded, unless an independent  
20 business, family, or social relationship exists between the donor and  
21 the family member or guest.

22 (2) Except as provided in subsection (4) of this section, the  
23 following items are presumed not to influence under RCW 42.52.140, and  
24 may be accepted without regard to the limit established by subsection  
25 (1) of this section:

26 (a) Unsolicited flowers, plants, and floral arrangements;

27 (b) Unsolicited advertising or promotional items of nominal value,  
28 such as pens and note pads;

29 (c) Unsolicited tokens or awards of appreciation in the form of a  
30 plaque, trophy, desk item, wall memento, or similar item;

31 (d) Unsolicited items received by a state officer or state employee  
32 for the purpose of evaluation or review, if the officer or employee has  
33 no personal beneficial interest in the eventual use or acquisition of  
34 the item by the officer's or employee's agency;

35 (e) Informational material, publications, or subscriptions related  
36 to the recipient's performance of official duties;



1 (f) Food and beverages consumed at hosted receptions where  
2 attendance is related to the state officer's or state employee's  
3 official duties;

4 (g) Gifts, grants, conveyances, bequests, and devises of real or  
5 personal property, or both, in trust or otherwise accepted and  
6 solicited for deposit in the legislative international trade account  
7 created in RCW (~~44.04.270~~) 43.15.050;

8 (h) Gifts, grants, conveyances, bequests, and devises of real or  
9 personal property, or both, in trust or otherwise accepted and  
10 solicited for the purpose of promoting the expansion of tourism as  
11 provided for in RCW 43.330.090;

12 (i) Gifts, grants, conveyances, bequests, and devises of real or  
13 personal property, or both, solicited on behalf of a national  
14 legislative association, 2006 official conference of the national  
15 lieutenant governors' association, or host committee for the purpose of  
16 hosting an official conference under the circumstances specified in RCW  
17 42.52.820 and section 2, chapter 5, Laws of 2006. Anything solicited  
18 or accepted may only be received by the national association or host  
19 committee and may not be commingled with any funds or accounts that are  
20 the property of any person;

21 (j) Admission to, and the cost of food and beverages consumed at,  
22 events sponsored by or in conjunction with a civic, charitable,  
23 governmental, or community organization; and

24 (k) Unsolicited gifts from dignitaries from another state or a  
25 foreign country that are intended to be personal in nature.

26 (3) The presumption in subsection (2) of this section is rebuttable  
27 and may be overcome based on the circumstances surrounding the giving  
28 and acceptance of the item.

29 (4) Notwithstanding subsections (2) and (5) of this section, a  
30 state officer or state employee of a regulatory agency or of an agency  
31 that seeks to acquire goods or services who participates in those  
32 regulatory or contractual matters may receive, accept, take, or seek,  
33 directly or indirectly, only the following items from a person  
34 regulated by the agency or from a person who seeks to provide goods or  
35 services to the agency:

36 (a) Unsolicited advertising or promotional items of nominal value,  
37 such as pens and note pads;

1 (b) Unsolicited tokens or awards of appreciation in the form of a  
2 plaque, trophy, desk item, wall memento, or similar item;

3 (c) Unsolicited items received by a state officer or state employee  
4 for the purpose of evaluation or review, if the officer or employee has  
5 no personal beneficial interest in the eventual use or acquisition of  
6 the item by the officer's or employee's agency;

7 (d) Informational material, publications, or subscriptions related  
8 to the recipient's performance of official duties;

9 (e) Food and beverages consumed at hosted receptions where  
10 attendance is related to the state officer's or state employee's  
11 official duties;

12 (f) Admission to, and the cost of food and beverages consumed at,  
13 events sponsored by or in conjunction with a civic, charitable,  
14 governmental, or community organization; and

15 (g) Those items excluded from the definition of gift in RCW  
16 42.52.010 except:

17 (i) Payments by a governmental or nongovernmental entity of  
18 reasonable expenses incurred in connection with a speech, presentation,  
19 appearance, or trade mission made in an official capacity;

20 (ii) Payments for seminars and educational programs sponsored by a  
21 bona fide governmental or nonprofit professional, educational, trade,  
22 or charitable association or institution; and

23 (iii) Flowers, plants, and floral arrangements.

24 (5) A state officer or state employee may accept gifts in the form  
25 of food and beverage on infrequent occasions in the ordinary course of  
26 meals where attendance by the officer or employee is related to the  
27 performance of official duties. Gifts in the form of food and beverage  
28 that exceed fifty dollars on a single occasion shall be reported as  
29 provided in chapter ((42.17)) 42.17A RCW.

30 **Sec. 30.** RCW 42.52.180 and 2010 c 185 s 1 are each amended to read  
31 as follows:

32 (1) No state officer or state employee may use or authorize the use  
33 of facilities of an agency, directly or indirectly, for the purpose of  
34 assisting a campaign for election of a person to an office or for the  
35 promotion of or opposition to a ballot proposition. Knowing  
36 acquiescence by a person with authority to direct, control, or  
37 influence the actions of the state officer or state employee using

1 public resources in violation of this section constitutes a violation  
2 of this section. Facilities of an agency include, but are not limited  
3 to, use of stationery, postage, machines, and equipment, use of state  
4 employees of the agency during working hours, vehicles, office space,  
5 publications of the agency, and clientele lists of persons served by  
6 the agency.

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

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

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

25 (c) The maintenance of official legislative web sites throughout  
26 the year, regardless of pending elections. The web sites may contain  
27 any discretionary material which was also specifically prepared for the  
28 legislator in the course of his or her duties as a legislator,  
29 including newsletters and press releases. The official legislative web  
30 sites of legislators seeking reelection shall not be altered between  
31 June 30th and November 15th of the election year. The web site shall  
32 not be used for campaign purposes;

33 (d) Activities that are part of the normal and regular conduct of  
34 the office or agency; and

35 (e) De minimis use of public facilities by statewide elected  
36 officials and legislators incidental to the preparation or delivery of  
37 permissible communications, including written and verbal communications

1 initiated by them of their views on ballot propositions that  
2 foreseeably may affect a matter that falls within their constitutional  
3 or statutory responsibilities.

4 (3) As to state officers and employees, this section operates to  
5 the exclusion of RCW ((~~42.17.130~~)) 42.17A.555.

6 **Sec. 31.** RCW 42.52.185 and 2008 c 39 s 2 are each amended to read  
7 as follows:

8 (1) During the twelve-month period beginning on December 1st of the  
9 year before a general election for a state legislator's election to  
10 office and continuing through November 30th immediately after the  
11 general election, the legislator may not mail, either by regular mail  
12 or electronic mail, to a constituent at public expense a letter,  
13 newsletter, brochure, or other piece of literature, except as follows:

14 (a) The legislator may mail two mailings of newsletters to  
15 constituents. All newsletters within each mailing of newsletters must  
16 be identical as to their content but not as to the constituent name or  
17 address. One such mailing may be mailed no later than thirty days  
18 after the start of a regular legislative session, except that a  
19 legislator appointed during a regular legislative session to fill a  
20 vacant seat may have up to thirty days from the date of appointment to  
21 send out the first mailing. The other mailing may be mailed no later  
22 than sixty days after the end of a regular legislative session.

23 (b) The legislator may mail an individual letter to (i) an  
24 individual constituent who has contacted the legislator regarding the  
25 subject matter of the letter during the legislator's current term of  
26 office; (ii) an individual constituent who holds a governmental office  
27 with jurisdiction over the subject matter of the letter; or (iii) an  
28 individual constituent who has received an award or honor of  
29 extraordinary distinction of a type that is sufficiently infrequent to  
30 be noteworthy to a reasonable person, including, but not limited to:  
31 (A) An international or national award such as the Nobel prize or the  
32 Pulitzer prize; (B) a state award such as Washington scholar; (C) an  
33 Eagle Scout award; and (D) a Medal of Honor.

34 (c) In those cases where constituents have specifically indicated  
35 that they would like to be contacted to receive regular or periodic  
36 updates on legislative matters, legislators may provide such updates by

1 electronic mail throughout the legislative session and up until thirty  
2 days from the conclusion of a legislative session.

3 (2) For purposes of subsection (1) of this section, "legislator"  
4 means a legislator who is a "candidate," as defined by RCW  
5 (~~42.17.020~~) 42.17A.005, for any public office.

6 (3) A violation of this section constitutes use of the facilities  
7 of a public office for the purpose of assisting a campaign under RCW  
8 42.52.180.

9 (4) The house of representatives and senate shall specifically  
10 limit expenditures per member for the total cost of mailings. Those  
11 costs include, but are not limited to, production costs, printing  
12 costs, and postage costs. The limits imposed under this subsection  
13 apply only to the total expenditures on mailings per member and not to  
14 any categorical cost within the total.

15 (5) For purposes of this section, persons residing outside the  
16 legislative district represented by the legislator are not considered  
17 to be constituents, but students, military personnel, or others  
18 temporarily employed outside of the district who normally reside in the  
19 district are considered to be constituents.

20 **Sec. 32.** RCW 42.52.380 and 1997 c 11 s 1 are each amended to read  
21 as follows:

22 (1) No member of the executive ethics board may (a) hold or  
23 campaign for partisan elective office other than the position of  
24 precinct committeeperson, or any full-time nonpartisan office; (b) be  
25 an officer of any political party or political committee as defined in  
26 chapter (~~42.17~~) 42.17A RCW other than the position of precinct  
27 committeeperson; (c) permit his or her name to be used, or make  
28 contributions, in support of or in opposition to any state candidate or  
29 state ballot measure; or (d) lobby or control, direct, or assist a  
30 lobbyist except that such member may appear before any committee of the  
31 legislature on matters pertaining to this chapter.

32 (2) No citizen member of the legislative ethics board may (a) hold  
33 or campaign for partisan elective office other than the position of  
34 precinct committeeperson, or any full-time nonpartisan office; (b) be  
35 an officer of any political party or political committee as defined in  
36 chapter (~~42.17~~) 42.17A RCW, other than the position of precinct  
37 committeeperson; (c) permit his or her name to be used, or make

1 contributions, in support of or in opposition to any legislative  
2 candidate, any legislative caucus campaign committee that supports or  
3 opposes legislative candidates, or any political action committee that  
4 supports or opposes legislative candidates; or (d) engage in lobbying  
5 in the legislative branch under circumstances not exempt, under RCW  
6 (~~42.17.160~~) 42.17A.610, from lobbyist registration and reporting.

7 (3) No citizen member of the legislative ethics board may hold or  
8 campaign for a seat in the state house of representatives or the state  
9 senate within two years of serving on the board if the citizen member  
10 opposes an incumbent who has been the respondent in a complaint before  
11 the board.

12 **Sec. 33.** RCW 42.52.560 and 2006 c 217 s 1 are each amended to read  
13 as follows:

14 (1) Nothing in this chapter prohibits a state employee from  
15 distributing communications from an employee organization or charitable  
16 organization to other state employees if the communications do not  
17 support or oppose a ballot proposition or candidate for federal, state,  
18 or local public office. Nothing in this section shall be construed to  
19 authorize any lobbying activity with public funds beyond the activity  
20 permitted by RCW (~~42.17.190~~) 42.17A.635.

21 (2) "Employee organization," for purposes of this section, means  
22 any organization, union, or association in which employees participate  
23 and that exists for the purpose of collective bargaining with employers  
24 or for the purpose of opposing collective bargaining or certification  
25 of a union.

26 **Sec. 34.** RCW 43.03.305 and 2008 c 6 s 204 are each amended to read  
27 as follows:

28 There is created a commission to be known as the Washington  
29 citizens' commission on salaries for elected officials, to consist of  
30 sixteen members appointed by the governor as provided in this section.

31 (1) Nine of the sixteen commission members shall be selected by lot  
32 by the secretary of state from among those registered voters eligible  
33 to vote at the time persons are selected for appointment to full terms  
34 on the commission under subsection (3) of this section. One member  
35 shall be selected from each congressional district. The secretary  
36 shall establish policies and procedures for conducting the selection by

1 lot. The policies and procedures shall include, but not be limited to,  
2 those for notifying persons selected and for providing a new selection  
3 from a congressional district if a person selected from the district  
4 declines appointment to the commission or if, following the person's  
5 appointment, the person's position on the commission becomes vacant  
6 before the end of the person's term of office.

7 (2) The remaining seven of the sixteen commission members, all  
8 residents of this state, shall be selected jointly by the speaker of  
9 the house of representatives and the president of the senate. The  
10 persons selected under this subsection shall have had experience in the  
11 field of personnel management. Of these seven members, one shall be  
12 selected from each of the following five sectors in this state:  
13 Private institutions of higher education; business; professional  
14 personnel management; legal profession; and organized labor. Of the  
15 two remaining members, one shall be a person recommended to the speaker  
16 and the president by the chair of the Washington personnel resources  
17 board and one shall be a person recommended by majority vote of the  
18 presidents of the state's four-year institutions of higher education.

19 (3) The secretary of state shall forward the names of persons  
20 selected under subsection (1) of this section and the speaker of the  
21 house of representatives and president of the senate shall forward the  
22 names of persons selected under subsection (2) of this section to the  
23 governor who shall appoint these persons to the commission. Except as  
24 provided in subsection (6) of this section, the names of persons  
25 selected for appointment to the commission shall be forwarded to the  
26 governor not later than February 15, 1987, and not later than the  
27 fifteenth day of February every four years through 1999. The terms of  
28 the members selected in 1999 shall terminate July 1, 2002, and the  
29 names of persons selected for appointment to the commission shall be  
30 forwarded to the governor not later than July 1, 2002. Of the sixteen  
31 names forwarded to the governor in 2002, the governor shall by lot  
32 select four of the persons selected under subsection (1) of this  
33 section and four of the persons selected under subsection (2) of this  
34 section to serve two-year terms, with the rest of the members serving  
35 four-year terms. Thereafter, except as provided in subsection (6) of  
36 this section, all members shall serve four-year terms and the names of  
37 eight persons selected for appointment to the commission shall be

1 forwarded to the governor not later than the first day of July every  
2 two years.

3 (4) No person may be appointed to more than two terms. No member  
4 of the commission may be removed by the governor during his or her term  
5 of office unless for cause of incapacity, incompetence, neglect of  
6 duty, or malfeasance in office or for a disqualifying change of  
7 residence.

8 The unexcused absence of any person who is a member of the  
9 commission from two consecutive meetings of the commission shall  
10 constitute the relinquishment of that person's membership on the  
11 commission. Such a relinquishment creates a vacancy in that person's  
12 position on the commission. A member's absence may be excused by the  
13 chair of the commission upon the member's written request if the chair  
14 believes there is just cause for the absence. Such a request must be  
15 received by the chair before the meeting for which the absence is to be  
16 excused. A member's absence from a meeting of the commission may also  
17 be excused during the meeting for which the member is absent by the  
18 affirmative vote of a majority of the members of the commission present  
19 at the meeting.

20 (5) No state official, public employee, or lobbyist, or immediate  
21 family member of the official, employee, or lobbyist, subject to the  
22 registration requirements of chapter ((42.17)) 42.17A RCW is eligible  
23 for membership on the commission.

24 As used in this subsection the phrase "immediate family" means the  
25 parents, spouse or domestic partner, siblings, children, or dependent  
26 relative of the official, employee, or lobbyist whether or not living  
27 in the household of the official, employee, or lobbyist.

28 (6) Upon a vacancy in any position on the commission, a successor  
29 shall be selected and appointed to fill the unexpired term. The  
30 selection and appointment shall be concluded within thirty days of the  
31 date the position becomes vacant and shall be conducted in the same  
32 manner as originally provided.

33 **Sec. 35.** RCW 43.17.320 and 1993 c 279 s 2 are each amended to read  
34 as follows:

35 For purposes of RCW 43.17.320 through 43.17.340, "state agency"  
36 means:



1 (1) Any agency for which the executive officer is listed in RCW  
2 (~~(42.17.2401(1))~~) 42.17A.705(1); and

3 (2) The office of the secretary of state; the office of the state  
4 treasurer; the office of the state auditor; the department of natural  
5 resources; the office of the insurance commissioner; and the office of  
6 the superintendent of public instruction.

7 **Sec. 36.** RCW 43.52A.030 and 1984 c 34 s 8 are each amended to read  
8 as follows:

9 The governor, with the consent of the senate, shall appoint two  
10 residents of Washington state to the council pursuant to the act.  
11 These persons shall undertake the functions and duties of members of  
12 the council as specified in the act and in appropriate state law. Upon  
13 appointment by the governor to the council, the nominee shall make  
14 available to the senate such disclosure information as is requested for  
15 the confirmation process, including that required in RCW (~~(42.17.241)~~)  
16 42.17A.710.

17 **Sec. 37.** RCW 43.60A.175 and 2006 c 343 s 6 are each amended to  
18 read as follows:

19 (1) The department may receive gifts, grants, or endowments from  
20 public or private sources that are made from time to time, in trust or  
21 otherwise, for the use and benefit of the purposes of the defenders'  
22 fund and the competitive grant program and spend gifts, grants, or  
23 endowments or income from the public or private sources according to  
24 their terms, unless the receipt of the gifts, grants, or endowments  
25 violates RCW (~~(42.17.710)~~) 42.17A.560.

26 (2) The department may adopt rules under chapter 34.05 RCW as  
27 necessary to carry out the purposes of RCW 43.60A.160 through  
28 43.60A.185.

29 (3) The department may perform all acts and functions as necessary  
30 or convenient to carry out the powers expressly granted or implied  
31 under chapter 343, Laws of 2006.

32 **Sec. 38.** RCW 43.105.260 and 1996 c 171 s 2 are each amended to  
33 read as follows:

34 Unless the context requires otherwise, the definitions in this  
35 section apply throughout this chapter.

1 (1) "Local government" means every county, city, town, and every  
2 other municipal or quasi-municipal corporation.

3 (2) "Public record" means as defined in RCW (~~42.17.020~~)  
4 42.17A.005 and chapter 40.14 RCW, and includes legislative records and  
5 court records that are available for public inspection.

6 (3) "State agency" includes every state office, department,  
7 division, bureau, board, and commission of the state, and each state  
8 elected official who is a member of the executive department.

9 **Sec. 39.** RCW 43.105.310 and 1996 c 171 s 15 are each amended to  
10 read as follows:

11 State agencies and local governments that collect and enter  
12 information concerning individuals into electronic records and  
13 information systems that will be widely accessible by the public under  
14 RCW (~~42.17.020~~) 42.17A.005 shall ensure the accuracy of this  
15 information to the extent possible. To the extent possible,  
16 information must be collected directly from, and with the consent of,  
17 the individual who is the subject of the data. Agencies shall  
18 establish procedures for correcting inaccurate information, including  
19 establishing mechanisms for individuals to review information about  
20 themselves and recommend changes in information they believe to be  
21 inaccurate. The inclusion of personal information in electronic public  
22 records that is widely available to the public should include  
23 information on the date when the database was created or most recently  
24 updated. If personally identifiable information is included in  
25 electronic public records that are made widely available to the public,  
26 agencies must follow retention and archival schedules in accordance  
27 with chapter 40.14 RCW, retaining personally identifiable information  
28 only as long as needed to carry out the purpose for which it was  
29 collected.

30 **Sec. 40.** RCW 43.167.020 and 2009 c 516 s 2 are each amended to  
31 read as follows:

32 (1) A community preservation and development authority shall have  
33 the power to:

34 (a) Accept gifts, grants, loans, or other aid from public or  
35 private entities;

1 (b) Employ and appoint such agents, attorneys, officers, and  
2 employees as may be necessary to implement the purposes and duties of  
3 an authority;

4 (c) Contract and enter into partnerships with individuals,  
5 associations, corporations, and local, state, and federal governments;

6 (d) Buy, own, lease, and sell real and personal property;

7 (e) Hold in trust, improve, and develop land;

8 (f) Invest, deposit, and reinvest its funds;

9 (g) Incur debt in furtherance of its mission; and

10 (h) Lend its funds, property, credit, or services for corporate  
11 purposes.

12 (2) A community preservation and development authority has no power  
13 of eminent domain nor any power to levy taxes or special assessments.

14 (3) A community preservation and development authority that accepts  
15 public funds under subsection (1)(a) of this section:

16 (a) Is subject in all respects to Article VIII, section 5 or 7, as  
17 appropriate, of the state Constitution, and to RCW ((~~42.17.128~~)  
18 42.17A.550); and

19 (b) May not use the funds to support or oppose a candidate, ballot  
20 proposition, political party, or political committee.

21 **Sec. 41.** RCW 44.05.020 and 1983 c 16 s 2 are each amended to read  
22 as follows:

23 The definitions set forth in this section apply throughout this  
24 chapter, unless the context requires otherwise.

25 (1) "Chief election officer" means the secretary of state.

26 (2) "Federal census" means the decennial census required by federal  
27 law to be prepared by the United States bureau of the census in each  
28 year ending in zero.

29 (3) "Lobbyist" means an individual required to register with the  
30 Washington public disclosure commission pursuant to RCW ((~~42.17.150~~)  
31 42.17A.600).

32 (4) "Plan" means a plan for legislative and congressional  
33 redistricting mandated by Article II, section 43 of the state  
34 Constitution.

35 **Sec. 42.** RCW 44.05.080 and 2005 c 274 s 303 are each amended to  
36 read as follows:

1 In addition to other duties prescribed by law, the commission  
2 shall:

3 (1) Adopt rules pursuant to the Administrative Procedure Act,  
4 chapter 34.05 RCW, to carry out the provisions of Article II, section  
5 43 of the state Constitution and of this chapter, which rules shall  
6 provide that three voting members of the commission constitute a quorum  
7 to do business, and that the votes of three of the voting members are  
8 required for any official action of the commission;

9 (2) Act as the legislature's recipient of the final redistricting  
10 data and maps from the United States Bureau of the Census;

11 (3) Comply with requirements to disclose and preserve public  
12 records as specified in chapters 40.14 and 42.56 RCW;

13 (4) Hold open meetings pursuant to the open public meetings act,  
14 chapter 42.30 RCW;

15 (5) Prepare and disclose its minutes pursuant to RCW 42.32.030;

16 (6) Be subject to the provisions of RCW (~~42.17.240~~) 42.17A.700;

17 (7) Prepare and publish a report with the plan; the report will be  
18 made available to the public at the time the plan is published. The  
19 report will include but will not be limited to: (a) The population and  
20 percentage deviation from the average district population for every  
21 district; (b) an explanation of the criteria used in developing the  
22 plan with a justification of any deviation in a district from the  
23 average district population; (c) a map of all the districts; and (d)  
24 the estimated cost incurred by the counties for adjusting precinct  
25 boundaries.

26 **Sec. 43.** RCW 44.05.110 and 1983 c 16 s 11 are each amended to read  
27 as follows:

28 (1) Following the period provided by RCW 44.05.100(1) for the  
29 commission's adoption of a plan, the commission shall take all  
30 necessary steps to conclude its business and cease operations. The  
31 commission shall prepare a financial statement disclosing all  
32 expenditures made by the commission. The official record shall contain  
33 all relevant information developed by the commission pursuant to  
34 carrying out its duties under this chapter, maps, data collected,  
35 minutes of meetings, written communications, and other information of  
36 a similar nature. Once the commission ceases to exist, the chief  
37 election officer shall be the custodian of the official record for

1 purposes of reprecincting and election administration. The chief  
2 election officer shall provide for the permanent preservation of this  
3 official record pursuant to chapter ((42.17)) 42.17A RCW and Title 40  
4 RCW. Once the commission ceases to exist any budget surplus shall  
5 revert to the state general fund.

6 (2) Except as provided in RCW 44.05.120 for a reconvened  
7 commission, the commission shall cease to exist on July 1st of each  
8 year ending in two unless the supreme court extends the commission's  
9 term.

10 **Sec. 44.** RCW 46.20.075 and 2010 c 223 s 2 are each amended to read  
11 as follows:

12 (1) An intermediate license authorizes the holder to drive a motor  
13 vehicle under the conditions specified in this section. An applicant  
14 for an intermediate license must be at least sixteen years of age and:

15 (a) Have possessed a valid instruction permit for a period of not  
16 less than six months;

17 (b) Have passed a driver licensing examination administered by the  
18 department;

19 (c) Have passed a course of driver's education in accordance with  
20 the standards established in RCW 46.20.100;

21 (d) Present certification by his or her parent, guardian, or  
22 employer to the department stating (i) that the applicant has had at  
23 least fifty hours of driving experience, ten of which were at night,  
24 during which the driver was supervised by a person at least twenty-one  
25 years of age who has had a valid driver's license for at least three  
26 years, and (ii) that the applicant has not been issued a notice of  
27 traffic infraction or cited for a traffic violation that is pending at  
28 the time of the application for the intermediate license;

29 (e) Not have been convicted of or found to have committed a traffic  
30 violation within the last six months before the application for the  
31 intermediate license; and

32 (f) Not have been adjudicated for an offense involving the use of  
33 alcohol or drugs during the period the applicant held an instruction  
34 permit.

35 (2) For the first six months after the issuance of an intermediate  
36 license or until the holder reaches eighteen years of age, whichever  
37 occurs first, the holder of the license may not operate a motor vehicle

1 that is carrying any passengers under the age of twenty who are not  
2 members of the holder's immediate family as defined in RCW  
3 (~~42.17.020~~) 42.17A.005. For the remaining period of the intermediate  
4 license, the holder may not operate a motor vehicle that is carrying  
5 more than three passengers who are under the age of twenty who are not  
6 members of the holder's immediate family.

7 (3) The holder of an intermediate license may not operate a motor  
8 vehicle between the hours of 1 a.m. and 5 a.m. except when the holder  
9 is accompanied by a parent, guardian, or a licensed driver who is at  
10 least twenty-five years of age.

11 (4) The holder of an intermediate license may not operate a moving  
12 motor vehicle while using a wireless communications device unless the  
13 holder is using the device to report illegal activity, summon medical  
14 or other emergency help, or prevent injury to a person or property.

15 (5) It is a traffic infraction for the holder of an intermediate  
16 license to operate a motor vehicle in violation of the restrictions  
17 imposed under this section.

18 (6) Except for a violation of subsection (4) of this section,  
19 enforcement of this section by law enforcement officers may be  
20 accomplished only as a secondary action when a driver of a motor  
21 vehicle has been detained for a suspected violation of this title or an  
22 equivalent local ordinance or some other offense.

23 (7) An intermediate licensee may drive at any hour without  
24 restrictions on the number of passengers in the vehicle if necessary  
25 for agricultural purposes.

26 (8) An intermediate licensee may drive at any hour without  
27 restrictions on the number of passengers in the vehicle if, for the  
28 twelve-month period following the issuance of the intermediate license,  
29 he or she:

30 (a) Has not been involved in an accident involving only one motor  
31 vehicle;

32 (b) Has not been involved in an accident where he or she was cited  
33 in connection with the accident or was found to have caused the  
34 accident;

35 (c) Has not been involved in an accident where no one was cited or  
36 was found to have caused the accident; and

37 (d) Has not been convicted of or found to have committed a traffic

1 offense described in chapter 46.61 RCW or violated restrictions placed  
2 on an intermediate licensee under this section.

3 **Sec. 45.** RCW 47.06B.020 and 2009 c 515 s 4 are each amended to  
4 read as follows:

5 (1) The agency council on coordinated transportation is created.  
6 The purpose of the council is to advance and improve accessibility to  
7 and coordination of special needs transportation services statewide.  
8 The council is composed of fourteen voting members and four nonvoting,  
9 legislative members.

10 (2) The fourteen voting members are the superintendent of public  
11 instruction or a designee, the secretary of transportation or a  
12 designee, the secretary of the department of social and health services  
13 or a designee, and eleven members appointed by the governor as follows:

14 (a) One representative from the office of the governor;

15 (b) Three persons who are consumers of special needs transportation  
16 services, which must include:

17 (i) One person designated by the executive director of the  
18 governor's committee on disability issues and employment; and

19 (ii) One person who is designated by the executive director of the  
20 developmental disabilities council;

21 (c) One representative from the Washington association of pupil  
22 transportation;

23 (d) One representative from the Washington state transit  
24 association;

25 (e) One of the following:

26 (i) A representative from the community transportation association  
27 of the Northwest; or

28 (ii) A representative from the community action council  
29 association;

30 (f) One person who represents regional transportation planning  
31 organizations and metropolitan planning organizations;

32 (g) One representative of brokers who provide nonemergency,  
33 medically necessary trips to persons with special transportation needs  
34 under the medicaid program administered by the department of social and  
35 health services;

36 (h) One representative from the Washington state department of  
37 veterans affairs; and

1 (i) One representative of the state association of counties.

2 (3) The four nonvoting members are legislators as follows:

3 (a) Two members from the house of representatives, one from each of  
4 the two largest caucuses, appointed by the speaker of the house of  
5 representatives, including at least one member from the house  
6 transportation policy and budget committee or the house appropriations  
7 committee; and

8 (b) Two members from the senate, one from each of the two largest  
9 caucuses, appointed by the president of the senate, including at least  
10 one member from the senate transportation committee or the senate ways  
11 and means committee.

12 (4) Gubernatorial appointees of the council will serve two-year  
13 terms. Members may not receive compensation for their service on the  
14 council, but will be reimbursed for actual and necessary expenses  
15 incurred in performing their duties as members as set forth in RCW  
16 43.03.220.

17 (5) The council shall vote on an annual basis to elect one of its  
18 voting members to serve as chair. The position of chair must rotate  
19 among the represented agencies, associations, and interest groups at  
20 least every two years. If the position of chair is vacated for any  
21 reason, the secretary of transportation or the secretary's designee  
22 shall serve as acting chair until the next regular meeting of the  
23 council, at which time the members will elect a chair.

24 (6) The council shall periodically assess its membership to ensure  
25 that there exists a balanced representation of persons with special  
26 transportation needs and providers of special transportation needs  
27 services. Recommendations for modifying the membership of the council  
28 must be included in the council's biennial report to the legislature as  
29 provided in RCW 47.06B.050.

30 (7) The department of transportation shall provide necessary staff  
31 support for the council.

32 (8) The council may receive gifts, grants, or endowments from  
33 public or private sources that are made from time to time, in trust or  
34 otherwise, for the use and benefit of the purposes of the council and  
35 spend gifts, grants, or endowments or income from the public or private  
36 sources according to their terms, unless the receipt of the gifts,  
37 grants, or endowments violates RCW (~~(42.17.710)~~) 42.17A.560.



1 (9) The meetings of the council must be open to the public, with  
2 the agenda published in advance, and minutes kept and made available to  
3 the public. The public notice of the meetings must indicate that  
4 accommodations for persons with disabilities will be made available  
5 upon request.

6 (10) All meetings of the council must be held in locations that are  
7 readily accessible to public transportation, and must be scheduled for  
8 times when public transportation is available.

9 (11) The council shall make an effort to include presentations by  
10 and work sessions including persons with special transportation needs.

11 **Sec. 46.** RCW 50.38.015 and 1993 c 62 s 2 are each amended to read  
12 as follows:

13 Unless the context clearly requires otherwise, the definitions in  
14 this section apply throughout this chapter.

15 (1) "Labor market information" means the body of information  
16 generated from measurement and evaluation of the socioeconomic factors  
17 and variables influencing the employment process in the state and  
18 specific labor market areas. These socioeconomic factors and variables  
19 affect labor demand and supply relationships and include:

20 (a) Labor force information, which includes but is not limited to  
21 employment, unemployment, labor force participation, labor turnover and  
22 mobility, average hours and earnings, and changes and characteristics  
23 of the population and labor force within specific labor market areas  
24 and the state;

25 (b) Occupational information, which includes but is not limited to  
26 occupational supply and demand estimates and projections,  
27 characteristics of occupations, wage levels, job duties, training and  
28 education requirements, conditions of employment, unionization,  
29 retirement practices, and training opportunities;

30 (c) Economic information, which includes but is not limited to  
31 number of business starts and stops by industry and labor market area,  
32 information on employment growth and decline by industry and labor  
33 market area, employer establishment data, and number of labor-  
34 management disputes by industry and labor market area; and

35 (d) Program information, which includes but is not limited to  
36 program participant or student information gathered in cooperation with  
37 other state and local agencies along with related labor market

1 information to evaluate the effectiveness, efficiency, and impact of  
2 state and local employment, training, education, and job creation  
3 efforts in support of planning, management, implementation, and  
4 evaluation.

5 (2) "Labor market area" means an economically integrated geographic  
6 area within which individuals can reside and find employment within a  
7 reasonable distance or can readily change employment without changing  
8 their place of residence. Such areas shall be identified in accordance  
9 with criteria used by the bureau of labor statistics of the department  
10 of labor in defining such areas or similar criteria established by the  
11 governor. The area generally takes the name of its community. The  
12 boundaries depend primarily on economic and geographic factors.  
13 Washington state is divided into labor market areas, which usually  
14 include a county or a group of contiguous counties.

15 (3) "Labor market analysis" means the measurement and evaluation of  
16 economic forces as they relate to the employment process in the local  
17 labor market area. Variables affecting labor market relationships  
18 include, but are not limited to, such factors as labor force changes  
19 and characteristics, population changes and characteristics, industrial  
20 structure and development, technological developments, shifts in  
21 consumer demand, volume and extent of unionization and trade disputes,  
22 recruitment practices, wage levels, conditions of employment, and  
23 training opportunities.

24 (4) "Public records" has the same meaning as set forth in RCW  
25 (~~42.17.020~~) 42.56.010.

26 (5) "Department" means the employment security department.

27 **Sec. 47.** RCW 68.52.220 and 2007 c 469 s 6 are each amended to read  
28 as follows:

29 The affairs of the district shall be managed by a board of cemetery  
30 district commissioners composed of three members. The board may  
31 provide, by resolution passed by the commissioners, for the payment of  
32 compensation to each of its commissioners at a rate of up to ninety  
33 dollars for each day or portion of a day spent in actual attendance at  
34 official meetings of the district commission, or in performance of  
35 other official services or duties on behalf of the district. However,  
36 the compensation for each commissioner must not exceed eight thousand  
37 six hundred forty dollars per year.

1 Any commissioner may waive all or any portion of his or her  
2 compensation payable under this section as to any month or months  
3 during his or her term of office, by a written waiver filed with the  
4 clerk of the board. The waiver, to be effective, must be filed any  
5 time after the commissioner's election and prior to the date on which  
6 the compensation would otherwise be paid. The waiver shall specify the  
7 month or period of months for which it is made. The board shall fix  
8 the compensation to be paid the secretary and other employees of the  
9 district. Cemetery district commissioners and candidates for cemetery  
10 district commissioner are exempt from the requirements of chapter  
11 ((42.17)) 42.17A RCW.

12 The initial cemetery district commissioners shall assume office  
13 immediately upon their election and qualification. Staggering of terms  
14 of office shall be accomplished as follows: (1) The person elected  
15 receiving the greatest number of votes shall be elected to a six-year  
16 term of office if the election is held in an odd-numbered year or a  
17 five-year term of office if the election is held in an even-numbered  
18 year; (2) the person who is elected receiving the next greatest number  
19 of votes shall be elected to a four-year term of office if the election  
20 is held in an odd-numbered year or a three-year term of office if the  
21 election is held in an even-numbered year; and (3) the other person who  
22 is elected shall be elected to a two-year term of office if the  
23 election is held in an odd-numbered year or a one-year term of office  
24 if the election is held in an even-numbered year. The initial  
25 commissioners shall assume office immediately after they are elected  
26 and qualified but their terms of office shall be calculated from the  
27 first day of January after the election.

28 Thereafter, commissioners shall be elected to six-year terms of  
29 office. Commissioners shall serve until their successors are elected  
30 and qualified and assume office as provided in RCW 29A.20.040.

31 The polling places for a cemetery district election may be located  
32 inside or outside the boundaries of the district, as determined by the  
33 auditor of the county in which the cemetery district is located, and no  
34 such election shall be held irregular or void on that account.

35 The dollar thresholds established in this section must be adjusted  
36 for inflation by the office of financial management every five years,  
37 beginning July 1, 2008, based upon changes in the consumer price index  
38 during that time period. "Consumer price index" means, for any

1 calendar year, that year's annual average consumer price index, for  
2 Washington state, for wage earners and clerical workers, all items,  
3 compiled by the bureau of labor and statistics, United States  
4 department of labor. If the bureau of labor and statistics develops  
5 more than one consumer price index for areas within the state, the  
6 index covering the greatest number of people, covering areas  
7 exclusively within the boundaries of the state, and including all items  
8 shall be used for the adjustments for inflation in this section. The  
9 office of financial management must calculate the new dollar threshold  
10 and transmit it to the office of the code reviser for publication in  
11 the Washington State Register at least one month before the new dollar  
12 threshold is to take effect.

13 A person holding office as commissioner for two or more special  
14 purpose districts shall receive only that per diem compensation  
15 authorized for one of his or her commissioner positions as compensation  
16 for attending an official meeting or conducting official services or  
17 duties while representing more than one of his or her districts.  
18 However, such commissioner may receive additional per diem compensation  
19 if approved by resolution of all boards of the affected commissions.

20 **Sec. 48.** RCW 79A.25.830 and 2007 c 241 s 60 are each amended to  
21 read as follows:

22 The recreation and conservation funding board or office may receive  
23 gifts, grants, or endowments from public and private sources that are  
24 made from time to time, in trust or otherwise, for the use and benefit  
25 of the purposes of RCW 79A.25.800 through 79A.25.830 and spend gifts,  
26 grants, or endowments or income from the public or private sources  
27 according to their terms, unless the receipt of the gifts, grants, or  
28 endowments violates RCW ((~~42.17.710~~)) 42.17A.560.

29 **Sec. 49.** RCW 82.08.02525 and 2009 c 535 s 505 are each amended to  
30 read as follows:

31 The tax levied by RCW 82.08.020 does not apply to the sale of  
32 public records by state and local agencies, as the terms are defined in  
33 RCW ((~~42.17.020~~)) 42.56.010, that are copied or transferred  
34 electronically under a request for the record for which no fee is  
35 charged other than a statutorily set fee or a fee to reimburse the  
36 agency for its actual costs directly incident to the copying. A

1 request for a record includes a request for a document not available to  
2 the public but available to those persons who by law are allowed access  
3 to the document, such as requests for fire reports, law enforcement  
4 reports, taxpayer information, and academic transcripts.

5 **Sec. 50.** RCW 82.12.02525 and 2009 c 535 s 609 are each amended to  
6 read as follows:

7 The provisions of this chapter do not apply with respect to the use  
8 of public records sold by state and local agencies, as the terms are  
9 defined in RCW (~~(42.17.020)~~) 42.17A.005, including public records  
10 transferred electronically that are obtained under a request for the  
11 record for which no fee is charged other than a statutorily set fee or  
12 a fee to reimburse the agency for its actual costs directly incident to  
13 the copying. A request for a record includes a request for a document  
14 not available to the public but available to those persons who by law  
15 are allowed access to the document, such as requests for fire reports,  
16 law enforcement reports, taxpayer information, and academic  
17 transcripts.

18 **Sec. 51.** RCW 47.06B.901 and 2009 c 515 s 18 are each amended to  
19 read as follows:

20 The following acts or parts of acts, as now existing or hereafter  
21 amended, are each repealed, effective June 30, 2012:

22 (1) RCW 47.06B.010 and 2009 c 515 § 3, 2007 c 421 § 1, 1999 c 385  
23 § 1, & 1998 c 173 § 1;

24 (2) RCW 47.06B.012 and 1999 c 385 § 2;

25 (3) RCW 47.06B.020 and section 45 of this act, 2009 c 515 § 4, 2007  
26 c 421 § 2, & 1998 c 173 § 2;

27 (4) RCW 47.06B.030 and (~~(2009 c 515 § 5,~~) 2007 c 421 § 3, 1999 c  
28 385 § 5, & 1998 c 173 § 3;

29 (5) RCW 47.06B.040 and 2007 c 421 § 4 & 1999 c 385 § 6;

30 (6) RCW 47.06B.050 and 2009 c 515 § 8 & 2007 c 421 § 6;

31 (7) RCW 47.06B.060;

32 (~~(8) ((Section 2 of this act;~~

33 ~~(9) Section 6 of this act;~~

34 ~~(10) Section 7 of this act;~~

35 ~~(11))~~) RCW 47.06B.070;

36 (~~(12))~~) (9) RCW 47.06B.075; and

1           (~~(13)~~) (10) RCW 47.06B.080.

2           NEW SECTION.   **Sec. 52.**   Section 82, chapter 11, Laws of 2000;  
3 section 60, chapter 241, Laws of 2007; and section 48 of this act  
4 expire one year after RCW 82.14.0494 expires.

5           NEW SECTION.   **Sec. 53.**   This act takes effect January 1, 2012.

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