
HOUSE BILL 2028

State of Washington 62nd Legislature 2011 Regular Session

By Representatives Hudgins, Hunt, Appleton, Reykdal, McCoy, and Darneille

Read first time 03/22/11. Referred to Committee on State Government & Tribal Affairs.

1 AN ACT Relating to transferring executive ethics responsibilities
2 to the public disclosure and ethics commission; amending RCW 42.52.010,
3 42.52.220, 42.52.360, 42.52.550, 42.52.570, 9.95.003, 42.40.020,
4 42.40.910, 42.17.190, 42.17.2401, 42.17.350, 42.17.510, 42.17A.100,
5 42.17A.320, 42.17A.635, 42.17A.705, 43.03.028, and 44.05.020; creating
6 a new section; repealing RCW 42.52.340, 42.52.350, and 42.52.380;
7 providing an effective date; and providing an expiration date.

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

9 NEW SECTION. **Sec. 1.** (1) All powers, duties, and functions of the
10 executive ethics board are transferred to the public disclosure and
11 ethics commission.

12 (2)(a) All reports, documents, surveys, books, records, files,
13 papers, or written material in the possession of the executive ethics
14 board pertaining to the powers, functions, and duties transferred shall
15 be delivered to the custody of the public disclosure and ethics
16 commission. All cabinets, furniture, office equipment, motor vehicles,
17 and other tangible property employed by the executive ethics board in
18 carrying out the powers, functions, and duties transferred shall be
19 made available to the public disclosure and ethics commission. All

1 funds, credits, or other assets held in connection with the powers,
2 functions, and duties transferred shall be assigned to the public
3 disclosure and ethics commission.

4 (b) Any appropriations made to the executive ethics board for
5 carrying out the powers, functions, and duties transferred shall, on
6 the effective date of this section, be transferred and credited to the
7 public disclosure and ethics commission.

8 (c) Whenever any question arises as to the transfer of any funds,
9 books, documents, records, papers, files, equipment, or other tangible
10 property used or held in the exercise of the powers and the performance
11 of the duties and functions transferred, the director of financial
12 management shall make a determination as to the proper allocation and
13 certify the same to the state agencies concerned.

14 (3) All rules and all pending business before the executive ethics
15 board pertaining to the powers, functions, and duties transferred shall
16 be continued and acted upon by the public disclosure and ethics
17 commission. All existing contracts and obligations shall remain in
18 full force and shall be performed by the public disclosure and ethics
19 commission.

20 (4) The transfer of the powers, duties, and functions of the
21 executive ethics board shall not affect the validity of any act
22 performed before the effective date of this section.

23 (5) If apportionments of budgeted funds are required because of the
24 transfers directed by this section, the director of financial
25 management shall certify the apportionments to the agencies affected,
26 the state auditor, and the state treasurer. Each of these shall make
27 the appropriate transfer and adjustments in funds and appropriation
28 accounts and equipment records in accordance with the certification.

29 **Sec. 2.** RCW 42.52.010 and 2005 c 106 s 1 are each amended to read
30 as follows:

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

33 (1) "Agency" means any state board, commission, bureau, committee,
34 department, institution, division, or tribunal in the legislative,
35 executive, or judicial branch of state government. "Agency" includes
36 all elective offices, the state legislature, those institutions of

1 higher education created and supported by the state government, and
2 those courts that are parts of state government.

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

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

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

18 (5) "Commission" means the public disclosure and ethics commission
19 created in RCW 42.17A.100.

20 (6) "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)) (7) "Confidential information" means (a) specific
25 information, rather than generalized knowledge, that is not available
26 to the general public on request or (b) information made confidential
27 by law.

28 ((+7)) (8) "Contract" or "grant" means an agreement between two or
29 more persons that creates an obligation to do or not to do a particular
30 thing. "Contract" or "grant" includes, but is not limited to, an
31 employment contract, a lease, a license, a purchase agreement, or a
32 sales agreement.

33 ((+8)) (9) "Ethics boards" means the commission on judicial
34 conduct, the legislative ethics board, and the ~~((executive ethics~~
35 ~~board))~~ commission.

36 ((+9)) (10) "Family" has the same meaning as "immediate family" in
37 RCW 42.17.020.

1 (~~(10)~~) (11) "Gift" means anything of economic value for which no
2 consideration is given. "Gift" does not include:

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

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

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

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

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

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

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

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

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

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

35 (~~(11)~~) (12) "Honorarium" means money or thing of value offered to
36 a state officer or state employee for a speech, appearance, article, or
37 similar item or activity in connection with the state officer's or
38 state employee's official role.

1 ~~((+12+))~~ (13) "Official duty" means those duties within the
2 specific scope of employment of the state officer or state employee as
3 defined by the officer's or employee's agency or by statute or the
4 state Constitution.

5 ~~((+13+))~~ (14) "Participate" means to participate in state action or
6 a proceeding personally and substantially as a state officer or state
7 employee, through approval, disapproval, decision, recommendation, the
8 rendering of advice, investigation, or otherwise but does not include
9 preparation, consideration, or enactment of legislation or the
10 performance of legislative duties.

11 ~~((+14+))~~ (15) "Person" means any individual, partnership,
12 association, corporation, firm, institution, or other entity, whether
13 or not operated for profit.

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

19 ~~((+16+))~~ (17) "Responsibility" in connection with a transaction
20 involving the state, means the direct administrative or operating
21 authority, whether intermediate or final, and either exercisable alone
22 or through subordinates, effectively to approve, disapprove, or
23 otherwise direct state action in respect of such transaction.

24 ~~((+17+))~~ (18) "State action" means any action on the part of an
25 agency, including, but not limited to:

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

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

30 ~~((+18+))~~ (19) "State officer" means every person holding a position
31 of public trust in or under an executive, legislative, or judicial
32 office of the state. "State officer" includes judges of the superior
33 court, judges of the court of appeals, justices of the supreme court,
34 members of the legislature together with the secretary of the senate
35 and the chief clerk of the house of representatives, holders of
36 elective offices in the executive branch of state government, chief
37 executive officers of state agencies, members of boards, commissions,
38 or committees with authority over one or more state agencies or

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

5 ~~((+19))~~ (20) "State employee" means an individual who is employed
6 by an agency in any branch of state government. For purposes of this
7 chapter, employees of the superior courts are not state officers or
8 state employees.

9 ~~((+20))~~ (21) "University" includes "state universities" and
10 "regional universities" as defined in RCW 28B.10.016 and also includes
11 any research or technology institute affiliated with a university,
12 including without limitation, the Spokane Intercollegiate Research and
13 Technology Institute and the Washington Technology Center.

14 ~~((+21))~~ (22) "University research employee" means a state officer
15 or state employee employed by a university, but only to the extent the
16 state officer or state employee is engaged in research, technology
17 transfer, approved consulting activities related to research and
18 technology transfer, or other incidental activities.

19 ~~((+22))~~ (23) "Thing of economic value," in addition to its
20 ordinary meaning, includes:

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

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

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

28 ~~((+23))~~ (24)(a) "Transaction involving the state" means a
29 proceeding, application, submission, request for a ruling or other
30 determination, contract, claim, case, or other similar matter that the
31 state officer, state employee, or former state officer or state
32 employee in question believes, or has reason to believe:

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

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

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

37 (b) "Transaction involving the state" does not include the
38 following: Preparation, consideration, or enactment of legislation,

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

6 **Sec. 3.** RCW 42.52.220 and 2005 c 106 s 4 are each amended to read
7 as follows:

8 (1) Consistent with the state policy to encourage basic and applied
9 scientific research by the state's research universities as stated in
10 RCW 28B.140.005, each university may develop, adopt, and implement one
11 or more written administrative processes that shall, upon approval by
12 the governor, apply in place of the obligations imposed on universities
13 and university research employees under RCW 42.52.030, 42.52.040,
14 42.52.080, 42.52.110, 42.52.120, 42.52.130, 42.52.140, 42.52.150, and
15 42.52.160. The universities shall coordinate on the development of
16 administrative processes to ensure the processes are comparable. A
17 university research employee in compliance with the processes
18 authorized in this section shall be deemed to be in compliance with RCW
19 42.52.030, 42.52.040, 42.52.080, 42.52.110, 42.52.120, 42.52.130,
20 42.52.140, 42.52.150, and 42.52.160.

21 (2) The ((~~executive ethics board~~)) commission shall enforce
22 activity subject to the written approval processes under this section,
23 as provided in RCW 42.52.360.

24 **Sec. 4.** RCW 42.52.360 and 2005 c 106 s 5 are each amended to read
25 as follows:

26 (1) The ((~~executive ethics board~~)) commission shall enforce this
27 chapter and rules adopted under it with respect to statewide elected
28 officers and all other officers and employees in the executive branch,
29 boards and commissions, and institutions of higher education.

30 (2) The ((~~executive ethics board~~)) commission shall enforce this
31 chapter with regard to the activities of university research employees
32 as provided in this subsection.

33 (a) With respect to compliance with RCW 42.52.030, 42.52.110,
34 42.52.130, 42.52.140, and 42.52.150, the administrative process shall
35 be consistent with and adhere to no less than the current standards in
36 regulations of the United States public health service and the office

1 of the secretary of the department of health and human services in
2 Title 42 C.F.R. Part 50, Subpart F relating to promotion of objectivity
3 in research.

4 (b) With respect to compliance with RCW 42.52.040, 42.52.080, and
5 42.52.120, the administrative process shall include a comprehensive
6 system for the disclosure, review, and approval of outside work
7 activities by university research employees while assuring that such
8 employees are fulfilling their employment obligations to the
9 university.

10 (c) With respect to compliance with RCW 42.52.160, the
11 administrative process shall include a reasonable determination by the
12 university of acceptable private uses having de minimis costs to the
13 university and a method for establishing fair and reasonable
14 reimbursement charges for private uses the costs of which are in excess
15 of de minimis.

16 (3) The (~~executive ethics board~~) commission shall:

17 (a) Develop educational materials and training;

18 (b) Adopt rules and policies governing the conduct of business by
19 the board, and adopt rules defining working hours for purposes of RCW
20 42.52.180 and where otherwise authorized under chapter 154, Laws of
21 1994;

22 (c) Issue advisory opinions;

23 (d) Investigate, hear, and determine complaints by any person or on
24 its own motion;

25 (e) Impose sanctions including reprimands and monetary penalties;

26 (f) Recommend to the appropriate authorities suspension, removal
27 from position, prosecution, or other appropriate remedy; and

28 (g) Establish criteria regarding the levels of civil penalties
29 appropriate for violations of this chapter and rules adopted under it.

30 (4) The (~~board~~) commission may:

31 (a) Issue subpoenas for the attendance and testimony of witnesses
32 and the production of documentary evidence relating to any matter under
33 examination by the (~~board~~) commission or involved in any hearing;

34 (b) Administer oaths and affirmations;

35 (c) Examine witnesses; and

36 (d) Receive evidence.

37 (5) Except as provided in RCW 42.52.220, the (~~executive ethics~~

1 ~~board~~)) commission may review and approve agency policies as provided
2 for in this chapter.

3 (6) This section does not apply to state officers and state
4 employees of the judicial branch.

5 **Sec. 5.** RCW 42.52.550 and 1994 c 154 s 227 are each amended to
6 read as follows:

7 The citizen members of the legislative ethics board (~~and the~~
8 ~~members of the executive ethics board~~)) shall be compensated as
9 provided in RCW 43.03.250 and reimbursed for travel expenses as
10 provided in RCW 43.03.050 and 43.03.060. Legislator members of the
11 legislative ethics board shall be reimbursed as provided in RCW
12 44.04.120.

13 **Sec. 6.** RCW 42.52.570 and 2008 c 247 s 1 are each amended to read
14 as follows:

15 (1) The department of fish and wildlife and the parks and
16 recreation commission may approve private business activity in state-
17 owned housing provided under Title 77 RCW or chapter 79A.05 RCW.

18 (2) Prior to granting approval of private business activity in
19 state-owned housing, the department of fish and wildlife and the parks
20 and recreation commission must adopt a private business activity policy
21 that is approved by the (~~executive ethics board~~)) commission.

22 (a) The private business activity policy may only authorize private
23 business activity by the resident state employee while the employee is
24 off duty or the employee's spouse who is approved for residency in the
25 agency housing or the employee's children.

26 (b) The private business activity policy may not allow private
27 business activity that negatively impacts the agency's operations. For
28 the purposes of this section, "negatively impacts" includes but is not
29 limited to: (i) Negative impacts to visitors' services or access; (ii)
30 in-person visits to state-owned housing for the purpose of transacting
31 business that negatively impacts agency operations; (iii) the
32 incurrence of additional expenses by the state; (iv) the use of signage
33 in the state-owned residence; (v) advertising on state-owned property;
34 or (vi) an appearance of state endorsement of the private business
35 activity.

1 (3) The private business activity must comply with all other local,
2 state, and federal laws.

3 (4) All approvals of a private business activity in state-owned
4 housing must be by the agency director or designee in writing.

5 (5) A state employee is presumed not to be in violation of RCW
6 42.52.070 or 42.52.160 if the employee or the employee's spouse or
7 child complies with this section.

8 **Sec. 7.** RCW 9.95.003 and 2007 c 362 s 1 are each amended to read
9 as follows:

10 The board shall consist of a chairman and four other members, each
11 of whom shall be appointed by the governor with the consent of the
12 senate. Each member shall hold office for a term of five years, and
13 until his or her successor is appointed and qualified. The terms shall
14 expire on April 15th of the expiration year. Vacancies in the
15 membership of the board shall be filled by appointment by the governor
16 with the consent of the senate. In the event of the inability of any
17 member to act, the governor shall appoint some competent person to act
18 in his stead during the continuance of such inability. The members
19 shall not be removable during their respective terms except for cause
20 determined by the superior court of Thurston county. The governor in
21 appointing the members shall designate one of them to serve as chairman
22 at the governor's pleasure. The appointed chairman shall serve as a
23 fully participating board member and as the director of the agency.

24 The members of the board and its officers and employees shall not
25 engage in any other business or profession or hold any other public
26 office without the prior approval of the (~~executive ethics board~~)
27 public disclosure and ethics commission indicating compliance with RCW
28 42.52.020, 42.52.030, 42.52.040 and 42.52.120; nor shall they, at the
29 time of appointment or employment or during their incumbency, serve as
30 the representative of any political party on an executive committee or
31 other governing body thereof, or as an executive officer or employee of
32 any political committee or association. The members of the board shall
33 each severally receive salaries fixed by the governor in accordance
34 with the provisions of RCW 43.03.040, and in addition shall receive
35 travel expenses incurred in the discharge of their official duties in
36 accordance with RCW 43.03.050 and 43.03.060.

1 The board may employ, and fix, with the approval of the governor,
2 the compensation of and prescribe the duties of a senior administrative
3 officer and such officers, employees, and assistants as may be
4 necessary, and provide necessary quarters, supplies, and equipment.

5 **Sec. 8.** RCW 42.40.020 and 2008 c 266 s 2 are each amended to read
6 as follows:

7 As used in this chapter, the terms defined in this section shall
8 have the meanings indicated unless the context clearly requires
9 otherwise.

10 (1) "Auditor" means the office of the state auditor.

11 (2) "Employee" means any individual employed or holding office in
12 any department or agency of state government.

13 (3) "Good faith" means the individual providing the information or
14 report of improper governmental activity has a reasonable basis in fact
15 for reporting or providing the information. An individual who
16 knowingly provides or reports, or who reasonably ought to know he or
17 she is providing or reporting, malicious, false, or frivolous
18 information, or information that is provided with reckless disregard
19 for the truth, or who knowingly omits relevant information is not
20 acting in good faith.

21 (4) "Gross mismanagement" means the exercise of management
22 responsibilities in a manner grossly deviating from the standard of
23 care or competence that a reasonable person would observe in the same
24 situation.

25 (5) "Gross waste of funds" means to spend or use funds or to allow
26 funds to be used without valuable result in a manner grossly deviating
27 from the standard of care or competence that a reasonable person would
28 observe in the same situation.

29 (6)(a) "Improper governmental action" means any action by an
30 employee undertaken in the performance of the employee's official
31 duties:

32 (i) Which is a gross waste of public funds or resources as defined
33 in this section;

34 (ii) Which is in violation of federal or state law or rule, if the
35 violation is not merely technical or of a minimum nature;

36 (iii) Which is of substantial and specific danger to the public
37 health or safety;

1 (iv) Which is gross mismanagement; or

2 (v) Which prevents the dissemination of scientific opinion or
3 alters technical findings without scientifically valid justification,
4 unless state law or a common law privilege prohibits disclosure. This
5 provision is not meant to preclude the discretion of agency management
6 to adopt a particular scientific opinion or technical finding from
7 among differing opinions or technical findings to the exclusion of
8 other scientific opinions or technical findings. Nothing in this
9 subsection prevents or impairs a state agency's or public official's
10 ability to manage its public resources or its employees in the
11 performance of their official job duties. This subsection does not
12 apply to de minimis, technical disagreements that are not relevant for
13 otherwise improper governmental activity. Nothing in this provision
14 requires the auditor to contract or consult with external experts
15 regarding the scientific validity, invalidity, or justification of a
16 finding or opinion.

17 (b) "Improper governmental action" does not include personnel
18 actions, for which other remedies exist, including but not limited to
19 employee grievances, complaints, appointments, promotions, transfers,
20 assignments, reassignments, reinstatements, restorations,
21 reemployments, performance evaluations, reductions in pay, dismissals,
22 suspensions, demotions, violations of the state civil service law,
23 alleged labor agreement violations, reprimands, claims of
24 discriminatory treatment, or any action which may be taken under
25 chapter 41.06 RCW, or other disciplinary action except as provided in
26 RCW 42.40.030.

27 (7) "Public official" means the attorney general's designee or
28 designees; the director, or equivalent thereof in the agency where the
29 employee works; an appropriate number of individuals designated to
30 receive whistleblower reports by the head of each agency; or the
31 (~~executive ethics board~~) public disclosure and ethics commission.

32 (8) "Substantial and specific danger" means a risk of serious
33 injury, illness, peril, or loss, to which the exposure of the public is
34 a gross deviation from the standard of care or competence which a
35 reasonable person would observe in the same situation.

36 (9) "Use of official authority or influence" includes threatening,
37 taking, directing others to take, recommending, processing, or
38 approving any personnel action such as an appointment, promotion,

1 transfer, assignment including but not limited to duties and office
2 location, reassignment, reinstatement, restoration, reemployment,
3 performance evaluation, determining any material changes in pay,
4 provision of training or benefits, tolerance of a hostile work
5 environment, or any adverse action under chapter 41.06 RCW, or other
6 disciplinary action.

7 (10)(a) "Whistleblower" means:

8 (i) An employee who in good faith reports alleged improper
9 governmental action to the auditor or other public official, as defined
10 in subsection (7) of this section, initiating an investigation by the
11 auditor under RCW 42.40.040; or

12 (ii) An employee who is perceived by the employer as reporting,
13 whether they did or not, alleged improper governmental action to the
14 auditor or other public official, as defined in subsection (7) of this
15 section, initiating an investigation by the auditor under RCW
16 42.40.040.

17 (b) For purposes of the provisions of this chapter and chapter
18 49.60 RCW relating to reprisals and retaliatory action, the term
19 "whistleblower" also means:

20 (i) An employee who in good faith provides information to the
21 auditor or other public official, as defined in subsection (7) of this
22 section, in connection with an investigation under RCW 42.40.040 and an
23 employee who is believed to have reported asserted improper
24 governmental action to the auditor or other public official, as defined
25 in subsection (7) of this section, or to have provided information to
26 the auditor or other public official, as defined in subsection (7) of
27 this section, in connection with an investigation under RCW 42.40.040
28 but who, in fact, has not reported such action or provided such
29 information; or

30 (ii) An employee who in good faith identifies rules warranting
31 review or provides information to the rules review committee, and an
32 employee who is believed to have identified rules warranting review or
33 provided information to the rules review committee but who, in fact,
34 has not done so.

35 **Sec. 9.** RCW 42.40.910 and 2008 c 266 s 9 are each amended to read
36 as follows:

37 Chapter 266, Laws of 2008 and chapter 361, Laws of 1999 do not

1 affect the jurisdiction of the legislative ethics board, the
2 (~~executive ethics board~~) public disclosure and ethics commission, or
3 the commission on judicial conduct, as set forth in chapter 42.52 RCW.
4 The senate, the house of representatives, and the supreme court shall
5 adopt policies regarding the applicability of chapter 42.40 RCW to the
6 senate, house of representatives, and judicial branch.

7 **Sec. 10.** RCW 42.17.190 and 1995 c 397 s 7 are each amended to read
8 as follows:

9 (1) The house of representatives and the senate shall report
10 annually: The total budget; the portion of the total attributed to
11 staff; and the number of full-time and part-time staff positions by
12 assignment, with dollar figures as well as number of positions.

13 (2) Unless authorized by subsection (3) of this section or
14 otherwise expressly authorized by law, no public funds may be used
15 directly or indirectly for lobbying: PROVIDED, This does not prevent
16 officers or employees of an agency from communicating with a member of
17 the legislature on the request of that member; or communicating to the
18 legislature, through the proper official channels, requests for
19 legislative action or appropriations which are deemed necessary for the
20 efficient conduct of the public business or actually made in the proper
21 performance of their official duties: PROVIDED FURTHER, That this
22 subsection does not apply to the legislative branch.

23 (3) Any agency, not otherwise expressly authorized by law, may
24 expend public funds for lobbying, but such lobbying activity shall be
25 limited to (a) providing information or communicating on matters
26 pertaining to official agency business to any elected official or
27 officer or employee of any agency or (b) advocating the official
28 position or interests of the agency to any elected official or officer
29 or employee of any agency: PROVIDED, That public funds may not be
30 expended as a direct or indirect gift or campaign contribution to any
31 elected official or officer or employee of any agency. For the
32 purposes of this subsection, the term "gift" means a voluntary transfer
33 of any thing of value without consideration of equal or greater value,
34 but does not include informational material transferred for the sole
35 purpose of informing the recipient about matters pertaining to official
36 agency business. This section does not permit the printing of a state
37 publication which has been otherwise prohibited by law.

1 (4) No elective official or any employee of his or her office or
2 any person appointed to or employed by any public office or agency may
3 use or authorize the use of any of the facilities of a public office or
4 agency, directly or indirectly, in any effort to support or oppose an
5 initiative to the legislature. "Facilities of a public office or
6 agency" has the same meaning as in RCW 42.17.130 and 42.52.180. The
7 provisions of this subsection shall not apply to the following
8 activities:

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

17 (b) A statement by an elected official in support of or in
18 opposition to any initiative to the legislature at an open press
19 conference or in response to a specific inquiry;

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

22 (d) Activities conducted regarding an initiative to the legislature
23 that would be permitted under RCW 42.17.130 and 42.52.180 if conducted
24 regarding other ballot measures.

25 (5) Each state agency, county, city, town, municipal corporation,
26 quasi-municipal corporation, or special purpose district which expends
27 public funds for lobbying shall file with the commission, except as
28 exempted by (d) of this subsection, quarterly statements providing the
29 following information for the quarter just completed:

30 (a) The name of the agency filing the statement;

31 (b) The name, title, and job description and salary of each elected
32 official, officer, or employee who lobbied, a general description of
33 the nature of the lobbying, and the proportionate amount of time spent
34 on the lobbying;

35 (c) A listing of expenditures incurred by the agency for lobbying
36 including but not limited to travel, consultant or other special
37 contractual services, and brochures and other publications, the
38 principal purpose of which is to influence legislation;

1 (d) For purposes of this subsection the term "lobbying" does not
2 include:

3 (i) Requests for appropriations by a state agency to the office of
4 financial management pursuant to chapter 43.88 RCW nor requests by the
5 office of financial management to the legislature for appropriations
6 other than its own agency budget requests;

7 (ii) Recommendations or reports to the legislature in response to
8 a legislative request expressly requesting or directing a specific
9 study, recommendation, or report by an agency on a particular subject;

10 (iii) Official reports including recommendations submitted to the
11 legislature on an annual or biennial basis by a state agency as
12 required by law;

13 (iv) Requests, recommendations, or other communication between or
14 within state agencies or between or within local agencies;

15 (v) Any other lobbying to the extent that it includes:

16 (A) Telephone conversations or preparation of written
17 correspondence;

18 (B) In-person lobbying on behalf of an agency of no more than four
19 days or parts thereof during any three-month period by officers or
20 employees of that agency and in-person lobbying by any elected official
21 of such agency on behalf of such agency or in connection with the
22 powers, duties, or compensation of such official: PROVIDED, That the
23 total expenditures of nonpublic funds made in connection with such
24 lobbying for or on behalf of any one or more members of the legislature
25 or state elected officials or public officers or employees of the state
26 of Washington do not exceed fifteen dollars for any three-month period:
27 PROVIDED FURTHER, That the exemption under this subsection is in
28 addition to the exemption provided in (A) of this subsection;

29 (C) Preparation or adoption of policy positions.

30 The statements shall be in the form and the manner prescribed by
31 the commission and shall be filed within one month after the end of the
32 quarter covered by the report.

33 (6) In lieu of reporting under subsection (5) of this section any
34 county, city, town, municipal corporation, quasi municipal corporation,
35 or special purpose district may determine and so notify the ((public
36 disclosure)) commission, that elected officials, officers, or employees
37 who on behalf of any such local agency engage in lobbying reportable
38 under subsection (5) of this section shall register and report such

1 reportable lobbying in the same manner as a lobbyist who is required to
2 register and report under RCW 42.17.150 and 42.17.170. Each such local
3 agency shall report as a lobbyist employer pursuant to RCW 42.17.180.

4 (7) The provisions of this section do not relieve any elected
5 official or officer or employee of an agency from complying with other
6 provisions of this chapter, if such elected official, officer, or
7 employee is not otherwise exempted.

8 (8) The purpose of this section is to require each state agency and
9 certain local agencies to report the identities of those persons who
10 lobby on behalf of the agency for compensation, together with certain
11 separately identifiable and measurable expenditures of an agency's
12 funds for that purpose. This section shall be reasonably construed to
13 accomplish that purpose and not to require any agency to report any of
14 its general overhead cost or any other costs which relate only
15 indirectly or incidentally to lobbying or which are equally
16 attributable to or inseparable from nonlobbying activities of the
17 agency.

18 The ((~~public disclosure~~)) commission may adopt rules clarifying and
19 implementing this legislative interpretation and policy.

20 **Sec. 11.** RCW 42.17.2401 and 2009 c 565 s 24 are each amended to
21 read as follows:

22 For the purposes of RCW 42.17.240, the term "executive state
23 officer" includes:

24 (1) The chief administrative law judge, the director of
25 agriculture, the administrator of the Washington basic health plan, the
26 director of the department of services for the blind, the director of
27 the state system of community and technical colleges, the director of
28 commerce, the secretary of corrections, the director of early learning,
29 the director of ecology, the commissioner of employment security, the
30 chair of the energy facility site evaluation council, the secretary of
31 the state finance committee, the director of financial management, the
32 director of fish and wildlife, the executive secretary of the forest
33 practices appeals board, the director of the gambling commission, the
34 director of general administration, the secretary of health, the
35 administrator of the Washington state health care authority, the
36 executive secretary of the health care facilities authority, the
37 executive secretary of the higher education facilities authority, the

1 executive secretary of the horse racing commission, the executive
2 secretary of the human rights commission, the executive secretary of
3 the indeterminate sentence review board, the director of the department
4 of information services, the executive director of the state investment
5 board, the director of labor and industries, the director of licensing,
6 the director of the lottery commission, the director of the office of
7 minority and women's business enterprises, the director of parks and
8 recreation, the director of personnel, the executive director of the
9 public disclosure and ethics commission, the executive director of the
10 Puget Sound partnership, the director of the recreation and
11 conservation office, the director of retirement systems, the director
12 of revenue, the secretary of social and health services, the chief of
13 the Washington state patrol, the executive secretary of the board of
14 tax appeals, the secretary of transportation, the secretary of the
15 utilities and transportation commission, the director of veterans
16 affairs, the president of each of the regional and state universities
17 and the president of The Evergreen State College, and each district and
18 each campus president of each state community college;

19 (2) Each professional staff member of the office of the governor;

20 (3) Each professional staff member of the legislature; and

21 (4) Central Washington University board of trustees, the boards of
22 trustees of each community college and each technical college, each
23 member of the state board for community and technical colleges, state
24 convention and trade center board of directors, committee for deferred
25 compensation, Eastern Washington University board of trustees,
26 Washington economic development finance authority, The Evergreen State
27 College board of trustees, (~~executive ethics board,~~) forest practices
28 appeals board, forest practices board, gambling commission, life
29 sciences discovery fund authority board of trustees, Washington health
30 care facilities authority, each member of the Washington health
31 services commission, higher education coordinating board, higher
32 education facilities authority, horse racing commission, state housing
33 finance commission, human rights commission, indeterminate sentence
34 review board, board of industrial insurance appeals, information
35 services board, recreation and conservation funding board, state
36 investment board, commission on judicial conduct, legislative ethics
37 board, liquor control board, lottery commission, marine oversight
38 board, Pacific Northwest electric power and conservation planning

1 council, parks and recreation commission, board of pilotage
2 commissioners, pollution control hearings board, public disclosure and
3 ethics commission, public pension commission, shorelines hearings
4 board, public employees' benefits board, salmon recovery funding board,
5 board of tax appeals, transportation commission, University of
6 Washington board of regents, utilities and transportation commission,
7 Washington state maritime commission, Washington personnel resources
8 board, Washington public power supply system executive board,
9 Washington State University board of regents, Western Washington
10 University board of trustees, and fish and wildlife commission.

11 **Sec. 12.** RCW 42.17.350 and 1998 c 30 s 1 are each amended to read
12 as follows:

13 (1) There is hereby established a "public disclosure and ethics
14 commission" which shall be composed of five members who shall be
15 appointed by the governor, with the consent of the senate. All
16 appointees shall be persons of the highest integrity and
17 qualifications. No more than three members shall have an
18 identification with the same political party.

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

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

26 (a) Holding or campaigning for elective office;

27 (b) Serving as an officer of any political party or political
28 committee;

29 (c) Permitting his or her name to be used in support of or in
30 opposition to a candidate or proposition;

31 (d) Soliciting or making contributions to a candidate or in support
32 of or in opposition to any candidate or proposition;

33 (e) Participating in any way in any election campaign; or

34 (f) Lobbying, employing, or assisting a lobbyist, except that a
35 member or the staff of the commission may lobby to the limited extent
36 permitted by RCW 42.17.190 on matters directly affecting this chapter.

1 (4) A vacancy on the commission shall be filled within thirty days
2 of the vacancy by the governor, with the consent of the senate, and the
3 appointee shall serve for the remaining term of his or her predecessor.
4 A vacancy shall not impair the powers of the remaining members to
5 exercise all of the powers of the commission.

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

9 (6) Members shall be compensated in accordance with RCW 43.03.250
10 and in addition shall be reimbursed for travel expenses incurred while
11 engaged in the business of the commission as provided in RCW 43.03.050
12 and 43.03.060. The compensation provided pursuant to this section
13 shall not be considered salary for purposes of the provisions of any
14 retirement system created pursuant to the general laws of this state.

15 **Sec. 13.** RCW 42.17.510 and 2010 c 204 s 505 are each amended to
16 read as follows:

17 (1) All written political advertising, whether relating to
18 candidates or ballot propositions, shall include the sponsor's name and
19 address. All radio and television political advertising, whether
20 relating to candidates or ballot propositions, shall include the
21 sponsor's name. The use of an assumed name for the sponsor of
22 electioneering communications, independent expenditures, or political
23 advertising shall be unlawful. For partisan office, if a candidate has
24 expressed a party or independent preference on the declaration of
25 candidacy, that party or independent designation shall be clearly
26 identified in electioneering communications, independent expenditures,
27 or political advertising.

28 (2) In addition to the information required by subsection (1) of
29 this section, except as specifically addressed in subsections (4) and
30 (5) of this section, all political advertising undertaken as an
31 independent expenditure or an electioneering communication by a person
32 or entity other than a bona fide political party must include as part
33 of the communication:

34 (a) The statement: "No candidate authorized this ad. It is paid
35 for by (name, address, city, state)";

36 (b) If the sponsor is a political committee, the statement: "Top
37 Five Contributors," followed by a listing of the names of the five

1 persons or entities making the largest contributions in excess of seven
2 hundred dollars reportable under this chapter during the twelve-month
3 period before the date of the advertisement or communication; and

4 (c) If the sponsor is a political committee established,
5 maintained, or controlled directly, or indirectly through the formation
6 of one or more political committees, by an individual, corporation,
7 union, association, or other entity, the full name of that individual
8 or entity.

9 (3) The information required by subsections (1) and (2) of this
10 section shall:

11 (a) Appear on the first page or fold of the written advertisement
12 or communication in at least ten-point type, or in type at least ten
13 percent of the largest size type used in a written advertisement or
14 communication directed at more than one voter, such as a billboard or
15 poster, whichever is larger;

16 (b) Not be subject to the half-tone or screening process; and

17 (c) Be set apart from any other printed matter.

18 (4) In an independent expenditure or electioneering communication
19 transmitted via television or other medium that includes a visual
20 image, the following statement must either be clearly spoken, or appear
21 in print and be visible for at least four seconds, appear in letters
22 greater than four percent of the visual screen height, and have a
23 reasonable color contrast with the background: "No candidate
24 authorized this ad. Paid for by (name, city, state)." If the
25 advertisement or communication is undertaken by a nonindividual other
26 than a party organization, then the following notation must also be
27 included: "Top Five Contributors" followed by a listing of the names
28 of the five persons or entities making the largest contributions in
29 excess of seven hundred dollars reportable under this chapter during
30 the twelve-month period before the date of the advertisement.
31 Abbreviations may be used to describe contributing entities if the full
32 name of the entity has been clearly spoken previously during the
33 broadcast advertisement.

34 (5) The following statement shall be clearly spoken in an
35 independent expenditure or electioneering communication transmitted by
36 a method that does not include a visual image: "No candidate
37 authorized this ad. Paid for by (name, city, state)." If the
38 independent expenditure or electioneering communication is undertaken

1 by a nonindividual other than a party organization, then the following
2 statement must also be included: "Top Five Contributors" followed by
3 a listing of the names of the five persons or entities making the
4 largest contributions in excess of seven hundred dollars reportable
5 under this chapter during the twelve-month period before the date of
6 the advertisement. Abbreviations may be used to describe contributing
7 entities if the full name of the entity has been clearly spoken
8 previously during the broadcast advertisement.

9 (6) Political yard signs are exempt from the requirement of
10 subsections (1) and (2) of this section that the name and address of
11 the sponsor of political advertising be listed on the advertising. In
12 addition, the (~~public disclosure~~) commission shall, by rule, exempt
13 from the identification requirements of subsections (1) and (2) of this
14 section forms of political advertising such as campaign buttons,
15 balloons, pens, pencils, sky-writing, inscriptions, and other forms of
16 advertising where identification is impractical.

17 (7) For the purposes of this section, "yard sign" means any outdoor
18 sign with dimensions no greater than eight feet by four feet.

19 **Sec. 14.** RCW 42.17A.100 and 2010 c 204 s 301 are each amended to
20 read as follows:

21 (1) The public disclosure and ethics commission is established.
22 The commission shall be composed of five members appointed by the
23 governor, with the consent of the senate. All appointees shall be
24 persons of the highest integrity and qualifications. No more than
25 three members shall have an identification with the same political
26 party.

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

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

- 34 (a) Holding or campaigning for elective office;
- 35 (b) Serving as an officer of any political party or political
36 committee;

1 (c) Permitting his or her name to be used in support of or in
2 opposition to a candidate or proposition;

3 (d) Soliciting or making contributions to a candidate or in support
4 of or in opposition to any candidate or proposition;

5 (e) Participating in any way in any election campaign; or

6 (f) Lobbying, employing, or assisting a lobbyist, except that a
7 member or the staff of the commission may lobby to the limited extent
8 permitted by RCW 42.17A.635 on matters directly affecting this chapter.

9 (4) A vacancy on the commission shall be filled within thirty days
10 of the vacancy by the governor, with the consent of the senate, and the
11 appointee shall serve for the remaining term of his or her predecessor.
12 A vacancy shall not impair the powers of the remaining members to
13 exercise all of the powers of the commission.

14 (5) Three members of the commission shall constitute a quorum. The
15 commission shall elect its own chair and adopt its own rules of
16 procedure in the manner provided in chapter 34.05 RCW.

17 (6) Members shall be compensated in accordance with RCW 43.03.250
18 and shall be reimbursed for travel expenses incurred while engaged in
19 the business of the commission as provided in RCW 43.03.050 and
20 43.03.060. The compensation provided pursuant to this section shall
21 not be considered salary for purposes of the provisions of any
22 retirement system created under the laws of this state.

23 **Sec. 15.** RCW 42.17A.320 and 2010 c 204 s 505 are each amended to
24 read as follows:

25 (1) All written political advertising, whether relating to
26 candidates or ballot propositions, shall include the sponsor's name and
27 address. All radio and television political advertising, whether
28 relating to candidates or ballot propositions, shall include the
29 sponsor's name. The use of an assumed name for the sponsor of
30 electioneering communications, independent expenditures, or political
31 advertising shall be unlawful. For partisan office, if a candidate has
32 expressed a party or independent preference on the declaration of
33 candidacy, that party or independent designation shall be clearly
34 identified in electioneering communications, independent expenditures,
35 or political advertising.

36 (2) In addition to the information required by subsection (1) of
37 this section, except as specifically addressed in subsections (4) and

1 (5) of this section, all political advertising undertaken as an
2 independent expenditure or an electioneering communication by a person
3 or entity other than a bona fide political party must include as part
4 of the communication:

5 (a) The statement: "No candidate authorized this ad. It is paid
6 for by (name, address, city, state)";

7 (b) If the sponsor is a political committee, the statement: "Top
8 Five Contributors," followed by a listing of the names of the five
9 persons or entities making the largest contributions in excess of seven
10 hundred dollars reportable under this chapter during the twelve-month
11 period before the date of the advertisement or communication; and

12 (c) If the sponsor is a political committee established,
13 maintained, or controlled directly, or indirectly through the formation
14 of one or more political committees, by an individual, corporation,
15 union, association, or other entity, the full name of that individual
16 or entity.

17 (3) The information required by subsections (1) and (2) of this
18 section shall:

19 (a) Appear on the first page or fold of the written advertisement
20 or communication in at least ten-point type, or in type at least ten
21 percent of the largest size type used in a written advertisement or
22 communication directed at more than one voter, such as a billboard or
23 poster, whichever is larger;

24 (b) Not be subject to the half-tone or screening process; and

25 (c) Be set apart from any other printed matter.

26 (4) In an independent expenditure or electioneering communication
27 transmitted via television or other medium that includes a visual
28 image, the following statement must either be clearly spoken, or appear
29 in print and be visible for at least four seconds, appear in letters
30 greater than four percent of the visual screen height, and have a
31 reasonable color contrast with the background: "No candidate
32 authorized this ad. Paid for by (name, city, state)." If the
33 advertisement or communication is undertaken by a nonindividual other
34 than a party organization, then the following notation must also be
35 included: "Top Five Contributors" followed by a listing of the names
36 of the five persons or entities making the largest contributions in
37 excess of seven hundred dollars reportable under this chapter during
38 the twelve-month period before the date of the advertisement.

1 Abbreviations may be used to describe contributing entities if the full
2 name of the entity has been clearly spoken previously during the
3 broadcast advertisement.

4 (5) The following statement shall be clearly spoken in an
5 independent expenditure or electioneering communication transmitted by
6 a method that does not include a visual image: "No candidate
7 authorized this ad. Paid for by (name, city, state)." If the
8 independent expenditure or electioneering communication is undertaken
9 by a nonindividual other than a party organization, then the following
10 statement must also be included: "Top Five Contributors" followed by
11 a listing of the names of the five persons or entities making the
12 largest contributions in excess of seven hundred dollars reportable
13 under this chapter during the twelve-month period before the date of
14 the advertisement. Abbreviations may be used to describe contributing
15 entities if the full name of the entity has been clearly spoken
16 previously during the broadcast advertisement.

17 (6) Political yard signs are exempt from the requirement of
18 subsections (1) and (2) of this section that the name and address of
19 the sponsor of political advertising be listed on the advertising. In
20 addition, the ((~~public disclosure~~)) commission shall, by rule, exempt
21 from the identification requirements of subsections (1) and (2) of this
22 section forms of political advertising such as campaign buttons,
23 balloons, pens, pencils, sky-writing, inscriptions, and other forms of
24 advertising where identification is impractical.

25 (7) For the purposes of this section, "yard sign" means any outdoor
26 sign with dimensions no greater than eight feet by four feet.

27 **Sec. 16.** RCW 42.17A.635 and 2010 c 204 s 808 are each amended to
28 read as follows:

29 (1) The house of representatives and the senate shall report
30 annually: The total budget; the portion of the total attributed to
31 staff; and the number of full-time and part-time staff positions by
32 assignment, with dollar figures as well as number of positions.

33 (2) Unless authorized by subsection (3) of this section or
34 otherwise expressly authorized by law, no public funds may be used
35 directly or indirectly for lobbying. However, this does not prevent
36 officers or employees of an agency from communicating with a member of
37 the legislature on the request of that member; or communicating to the

1 legislature, through the proper official channels, requests for
2 legislative action or appropriations that are deemed necessary for the
3 efficient conduct of the public business or actually made in the proper
4 performance of their official duties. This subsection does not apply
5 to the legislative branch.

6 (3) Any agency, not otherwise expressly authorized by law, may
7 expend public funds for lobbying, but such lobbying activity shall be
8 limited to (a) providing information or communicating on matters
9 pertaining to official agency business to any elected official or
10 officer or employee of any agency or (b) advocating the official
11 position or interests of the agency to any elected official or officer
12 or employee of any agency. Public funds may not be expended as a
13 direct or indirect gift or campaign contribution to any elected
14 official or officer or employee of any agency. For the purposes of
15 this subsection, "gift" means a voluntary transfer of any thing of
16 value without consideration of equal or greater value, but does not
17 include informational material transferred for the sole purpose of
18 informing the recipient about matters pertaining to official agency
19 business. This section does not permit the printing of a state
20 publication that has been otherwise prohibited by law.

21 (4) No elective official or any employee of his or her office or
22 any person appointed to or employed by any public office or agency may
23 use or authorize the use of any of the facilities of a public office or
24 agency, directly or indirectly, in any effort to support or oppose an
25 initiative to the legislature. "Facilities of a public office or
26 agency" has the same meaning as in RCW 42.17A.555 and 42.52.180. The
27 provisions of this subsection shall not apply to the following
28 activities:

29 (a) Action taken at an open public meeting by members of an elected
30 legislative body to express a collective decision, or to actually vote
31 upon a motion, proposal, resolution, order, or ordinance, or to support
32 or oppose an initiative to the legislature so long as (i) any required
33 notice of the meeting includes the title and number of the initiative
34 to the legislature, and (ii) members of the legislative body or members
35 of the public are afforded an approximately equal opportunity for the
36 expression of an opposing view;

37 (b) A statement by an elected official in support of or in

1 opposition to any initiative to the legislature at an open press
2 conference or in response to a specific inquiry;

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

5 (d) Activities conducted regarding an initiative to the legislature
6 that would be permitted under RCW 42.17A.555 and 42.52.180 if conducted
7 regarding other ballot measures.

8 (5) Each state agency, county, city, town, municipal corporation,
9 quasi-municipal corporation, or special purpose district that expends
10 public funds for lobbying shall file with the commission, except as
11 exempted by (d) of this subsection, quarterly statements providing the
12 following information for the quarter just completed:

13 (a) The name of the agency filing the statement;

14 (b) The name, title, and job description and salary of each elected
15 official, officer, or employee who lobbied, a general description of
16 the nature of the lobbying, and the proportionate amount of time spent
17 on the lobbying;

18 (c) A listing of expenditures incurred by the agency for lobbying
19 including but not limited to travel, consultant or other special
20 contractual services, and brochures and other publications, the
21 principal purpose of which is to influence legislation;

22 (d) For purposes of this subsection, "lobbying" does not include:

23 (i) Requests for appropriations by a state agency to the office of
24 financial management pursuant to chapter 43.88 RCW nor requests by the
25 office of financial management to the legislature for appropriations
26 other than its own agency budget requests;

27 (ii) Recommendations or reports to the legislature in response to
28 a legislative request expressly requesting or directing a specific
29 study, recommendation, or report by an agency on a particular subject;

30 (iii) Official reports including recommendations submitted to the
31 legislature on an annual or biennial basis by a state agency as
32 required by law;

33 (iv) Requests, recommendations, or other communication between or
34 within state agencies or between or within local agencies;

35 (v) Any other lobbying to the extent that it includes:

36 (A) Telephone conversations or preparation of written
37 correspondence;

1 (B) In-person lobbying on behalf of an agency of no more than four
2 days or parts thereof during any three-month period by officers or
3 employees of that agency and in-person lobbying by any elected official
4 of such agency on behalf of such agency or in connection with the
5 powers, duties, or compensation of such official. The total
6 expenditures of nonpublic funds made in connection with such lobbying
7 for or on behalf of any one or more members of the legislature or state
8 elected officials or public officers or employees of the state of
9 Washington may not exceed fifteen dollars for any three-month period.
10 The exemption under this subsection (5)(d)(v)(B) is in addition to the
11 exemption provided in (d)(v)(A) of this subsection;

12 (C) Preparation or adoption of policy positions.

13 The statements shall be in the form and the manner prescribed by
14 the commission and shall be filed within one month after the end of the
15 quarter covered by the report.

16 (6) In lieu of reporting under subsection (5) of this section, any
17 county, city, town, municipal corporation, quasi municipal corporation,
18 or special purpose district may determine and so notify the ((public
19 disclosure)) commission that elected officials, officers, or employees
20 who, on behalf of any such local agency, engage in lobbying reportable
21 under subsection (5) of this section shall register and report such
22 reportable lobbying in the same manner as a lobbyist who is required to
23 register and report under RCW 42.17A.600 and 42.17A.615. Each such
24 local agency shall report as a lobbyist employer pursuant to RCW
25 42.17A.630.

26 (7) The provisions of this section do not relieve any elected
27 official or officer or employee of an agency from complying with other
28 provisions of this chapter, if such elected official, officer, or
29 employee is not otherwise exempted.

30 (8) The purpose of this section is to require each state agency and
31 certain local agencies to report the identities of those persons who
32 lobby on behalf of the agency for compensation, together with certain
33 separately identifiable and measurable expenditures of an agency's
34 funds for that purpose. This section shall be reasonably construed to
35 accomplish that purpose and not to require any agency to report any of
36 its general overhead cost or any other costs that relate only
37 indirectly or incidentally to lobbying or that are equally attributable
38 to or inseparable from nonlobbying activities of the agency.

1 (9) The (~~public disclosure~~) commission may adopt rules clarifying
2 and implementing this legislative interpretation and policy.

3 **Sec. 17.** RCW 42.17A.705 and 2010 c 204 s 902 are each amended to
4 read as follows:

5 For the purposes of RCW 42.17A.700, "executive state officer"
6 includes:

7 (1) The chief administrative law judge, the director of
8 agriculture, the director of the department of services for the blind,
9 the director of the state system of community and technical colleges,
10 the director of commerce, the secretary of corrections, the director of
11 early learning, the director of ecology, the commissioner of employment
12 security, the chair of the energy facility site evaluation council, the
13 secretary of the state finance committee, the director of financial
14 management, the director of fish and wildlife, the executive secretary
15 of the forest practices appeals board, the director of the gambling
16 commission, the director of general administration, the secretary of
17 health, the administrator of the Washington state health care
18 authority, the executive secretary of the health care facilities
19 authority, the executive secretary of the higher education facilities
20 authority, the executive secretary of the horse racing commission, the
21 executive secretary of the human rights commission, the executive
22 secretary of the indeterminate sentence review board, the director of
23 the department of information services, the executive director of the
24 state investment board, the director of labor and industries, the
25 director of licensing, the director of the lottery commission, the
26 director of the office of minority and women's business enterprises,
27 the director of parks and recreation, the director of personnel, the
28 executive director of the public disclosure and ethics commission, the
29 executive director of the Puget Sound partnership, the director of the
30 recreation and conservation office, the director of retirement systems,
31 the director of revenue, the secretary of social and health services,
32 the chief of the Washington state patrol, the executive secretary of
33 the board of tax appeals, the secretary of transportation, the
34 secretary of the utilities and transportation commission, the director
35 of veterans affairs, the president of each of the regional and state
36 universities and the president of The Evergreen State College, and each
37 district and each campus president of each state community college;

1 (2) Each professional staff member of the office of the governor;
2 (3) Each professional staff member of the legislature; and
3 (4) Central Washington University board of trustees, the boards of
4 trustees of each community college and each technical college, each
5 member of the state board for community and technical colleges, state
6 convention and trade center board of directors, Eastern Washington
7 University board of trustees, Washington economic development finance
8 authority, Washington energy northwest executive board, The Evergreen
9 State College board of trustees, executive ethics board, fish and
10 wildlife commission, forest practices appeals board, forest practices
11 board, gambling commission, Washington health care facilities
12 authority, higher education coordinating board, higher education
13 facilities authority, horse racing commission, state housing finance
14 commission, human rights commission, indeterminate sentence review
15 board, board of industrial insurance appeals, information services
16 board, state investment board, commission on judicial conduct,
17 legislative ethics board, life sciences discovery fund authority board
18 of trustees, liquor control board, lottery commission, Pacific
19 Northwest electric power and conservation planning council, parks and
20 recreation commission, Washington personnel resources board, board of
21 pilotage commissioners, pollution control hearings board, (~~public~~
22 ~~disclosure commission,~~) public employees' benefits board, recreation
23 and conservation funding board, salmon recovery funding board,
24 shorelines hearings board, board of tax appeals, transportation
25 commission, University of Washington board of regents, utilities and
26 transportation commission, Washington State University board of
27 regents, and Western Washington University board of trustees.

28 **Sec. 18.** RCW 43.03.028 and 2010 1st sp.s. c 7 s 2 are each amended
29 to read as follows:

30 (1) The department of personnel shall study the duties and salaries
31 of the directors of the several departments and the members of the
32 several boards and commissions of state government, who are subject to
33 appointment by the governor or whose salaries are fixed by the
34 governor, and of the chief executive officers of the following agencies
35 of state government:

36 The arts commission; the human rights commission; the board of
37 accountancy; the board of pharmacy; the eastern Washington historical

1 society; the Washington state historical society; the recreation and
2 conservation office; the criminal justice training commission; the
3 department of personnel; the state library; the traffic safety
4 commission; the horse racing commission; the advisory council on
5 vocational education; the public disclosure and ethics commission; the
6 state conservation commission; the commission on Hispanic affairs; the
7 commission on Asian Pacific American affairs; the state board for
8 volunteer firefighters and reserve officers; the transportation
9 improvement board; the public employment relations commission; the
10 forest practices appeals board; and the energy facilities site
11 evaluation council.

12 (2) The department of personnel shall report to the governor or the
13 chairperson of the appropriate salary fixing authority at least once in
14 each fiscal biennium on such date as the governor may designate, but
15 not later than seventy-five days prior to the convening of each regular
16 session of the legislature during an odd-numbered year, its
17 recommendations for the salaries to be fixed for each position.

18 **Sec. 19.** RCW 44.05.020 and 1983 c 16 s 2 are each amended to read
19 as follows:

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

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

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

26 (3) "Lobbyist" means an individual required to register with the
27 Washington public disclosure and ethics commission pursuant to RCW
28 42.17.150.

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

32 NEW SECTION. **Sec. 20.** The following acts or parts of acts are
33 each repealed:

34 (1) RCW 42.52.340 (Transfer of jurisdiction) and 1994 c 154 s 204;

35 (2) RCW 42.52.350 (Executive ethics board) and 1994 c 154 s 205;

36 and

1 (3) RCW 42.52.380 (Political activities of board members) and 1997
2 c 11 s 1 & 1994 c 154 s 208.

3 NEW SECTION. **Sec. 21.** Sections 10 through 13 of this act expire
4 January 1, 2012.

5 NEW SECTION. **Sec. 22.** Sections 14 through 17 of this act take
6 effect January 1, 2012.

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