

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1048

62nd Legislature
2011 Regular Session

Passed by the House March 3, 2011
Yeas 98 Nays 0

Speaker of the House of Representatives

Passed by the Senate April 4, 2011
Yeas 49 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1048** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1048

Passed Legislature - 2011 Regular Session

State of Washington 62nd Legislature 2011 Regular Session

By House State Government & Tribal Affairs (originally sponsored by Representative Hunt)

READ FIRST TIME 01/20/11.

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)~~) 42.56.010
4 and chapter 40.14 RCW, and includes legislative records and court
5 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)~~) 42.56.010 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)) 42.56 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)~~) 42.56.010, 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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