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SENATE BILL 6111

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State of Washington

53rd Legislature

1994 Regular Session

By Senators Drew, McCaslin, Gaspard, Sellar, Haugen, Snyder, Fraser, Franklin, Sheldon, Bauer, Owen, Spanel, Pelz, M. Rasmussen, Winsley, Oke and Skratek; by request of Commission on Ethics in Government & Campaign Financing, Governor Lowry and Attorney General

Read first time 01/12/94. Referred to Committee on Government Operations.

1 AN ACT Relating to ethics in public service; amending RCW  
2 42.18.270, 42.18.217, 42.18.230, and 42.18.260; adding a new section to  
3 chapter 42.23 RCW; adding a new chapter to Title 42 RCW; creating a new  
4 section; recodifying RCW 42.18.217, 42.18.230, 42.18.260, 42.18.270,  
5 42.18.330, and 42.22.050; repealing RCW 42.18.010, 42.18.020,  
6 42.18.030, 42.18.040, 42.18.050, 42.18.060, 42.18.070, 42.18.080,  
7 42.18.090, 42.18.100, 42.18.110, 42.18.120, 42.18.130, 42.18.140,  
8 42.18.150, 42.18.170, 42.18.180, 42.18.190, 42.18.200, 42.18.210,  
9 42.18.213, 42.18.215, 42.18.221, 42.18.240, 42.18.250, 42.18.280,  
10 42.18.290, 42.18.300, 42.18.310, 42.18.320, 42.18.900, 42.20.010,  
11 42.21.010, 42.21.020, 42.21.030, 42.21.040, 42.21.050, 42.21.080,  
12 42.21.090, 42.22.010, 42.22.020, 42.22.030, 42.22.040, 42.22.060,  
13 42.22.070, 42.22.120, 44.60.010, 44.60.020, 44.60.030, 44.60.040,  
14 44.60.050, 44.60.070, 44.60.080, 44.60.090, 44.60.100, 44.60.110,  
15 44.60.120, and 44.60.130; and prescribing penalties.

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

17 NEW SECTION. **Sec. 1.** Government derives its powers from the  
18 people. Ethics in government are the foundation on which the structure  
19 of government rests. State officials and employees of government hold

1 a public trust that obligates them, in a special way, to honesty and  
2 integrity in fulfilling the responsibilities to which they are elected  
3 and appointed. Paramount in that trust is the principle that public  
4 office, whether elected or appointed, may not be used for personal gain  
5 or private advantage.

6 The citizens of the state expect all state officials and employees  
7 to perform their public responsibilities in accordance with the highest  
8 ethical and moral standards and to conduct the business of the state  
9 only in a manner that advances the public's interest. State officials  
10 and employees are subject to the sanctions of law and scrutiny of the  
11 media; ultimately, however, they are accountable to the people and must  
12 consider this public accountability as a particular obligation of the  
13 public service. Only when affairs of government are conducted, at all  
14 levels, with openness as provided by law and an unswerving commitment  
15 to the public good does government work as it should.

16 The obligations of government rest equally on the state's  
17 citizenry. The effectiveness of government depends, fundamentally, on  
18 the confidence citizens can have in the judgments and decisions of  
19 their elected representatives. Citizens, therefore, should honor and  
20 respect the principles and the spirit of representative democracy,  
21 recognizing that both elected and appointed officials, together with  
22 state employees, seek to carry out their public duties with  
23 professional skill and dedication to the public interest. Such service  
24 merits public recognition and support.

25 All who have the privilege of working for the people of Washington  
26 state can have but one aim: To give the highest public service to its  
27 citizens.

## 28 PART I

### 29 GENERAL ETHICS PROVISIONS

30 NEW SECTION. **Sec. 101.** DEFINITIONS. Unless the context clearly  
31 requires otherwise, the definitions in this section apply throughout  
32 this chapter.

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

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

3 (2) "Agency head" and "head of agency" mean the chief executive  
4 officer of an agency. In the case of an agency headed by a commission,  
5 board, committee, or other body consisting of more than one natural  
6 person, agency head means the person or board authorized to appoint  
7 agency employees and regulate their conduct. For the purposes of this  
8 chapter, the legislature is the agency head of all agencies in the  
9 legislative branch of state government, and the supreme court is the  
10 agency head of all agencies in the judicial branch of state government.

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

16 (4) "Compensation" means anything of economic value, however  
17 designated, that is paid, loaned, granted, or transferred, or to be  
18 paid, loaned, granted, or transferred for, or in consideration of,  
19 personal services to any person.

20 (5) "Confidential information" means (a) specific information,  
21 rather than generalized knowledge, that is not available to the general  
22 public on request and (b) information made confidential by law.

23 (6) "Ethics boards" means the commission on judicial conduct, the  
24 legislative ethics board, and the executive ethics board.

25 (7) "Family" has the same meaning as "immediate family" in RCW  
26 42.17.020.

27 (8) "Gift" means anything of economic value for which no  
28 consideration is given. "Gift" does not include:

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

33 (b) Items related to the outside business of the recipient that are  
34 customary and not related to the recipient's performance of duties;

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

37 (d) Payments by a governmental or nongovernmental entity of  
38 reasonable expenses incurred in connection with a speech, presentation,  
39 appearance, or trade mission made in an official capacity. As used in

1 this subsection, "reasonable expenses" are limited to travel, lodging,  
2 and subsistence expenses incurred the day before through the day after  
3 the event;

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

6 (f) Payments for seminars and educational programs sponsored by a  
7 bona fide nonprofit professional, educational, or trade association, or  
8 charitable institution;

9 (g) Items returned by the recipient to the donor within thirty days  
10 of receipt or donated to a charitable organization within thirty days  
11 of receipt;

12 (h) Campaign contributions reported under chapter 42.17 RCW; and

13 (i) Discounts available to an individual as a member of an employee  
14 group, occupation, or similar broad-based group.

15 (9) "Honorarium" means money or thing of value offered to a state  
16 officer or state employee for a speech, appearance, article, or similar  
17 item or activity in connection with the state officer's or state  
18 employee's official role.

19 (10) "Participate," in connection with a transaction involving the  
20 state, means to participate in state action or a proceeding personally  
21 and substantially as a state officer or state employee, through  
22 approval, disapproval, decision, recommendation, the rendering of  
23 advice, investigation, or otherwise.

24 (11) "Person" means any individual, partnership, association,  
25 corporation, firm, institution, or other entity, whether or not  
26 operated for profit.

27 (12) "Regulatory agency" means any state board, commission,  
28 department, or officer, except those in the legislative or judicial  
29 branches, authorized by law to conduct adjudicative proceedings, issue  
30 permits or licenses, or to control or affect interests of identified  
31 persons.

32 (13) "Responsibility" in connection with a transaction involving  
33 the state, means the direct administrative or operating authority,  
34 whether intermediate or final, and either exercisable alone or through  
35 subordinates, effectively to approve, disapprove, or otherwise direct  
36 state action in respect of such transaction.

37 (14) "State action" means any action on the part of an agency,  
38 including, but not limited to:

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

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

4 (15) "State officer" means every person holding a position of  
5 public trust in or under an executive, legislative, or judicial office  
6 of the state. "State officer" includes judges of the superior court,  
7 judges of the court of appeals, justices of the supreme court, members  
8 of the legislature together with the secretary of the senate and the  
9 chief clerk of the house of representatives, holders of elective  
10 offices in the executive branch of state government, chief executive  
11 officers of state agencies, members of boards, commissions, or  
12 committees with authority over one or more state agencies or  
13 institutions, and employees of the state who are engaged in  
14 supervisory, policy-making, or policy-enforcing work. For the purposes  
15 of this chapter, "state officer" also includes any person exercising or  
16 undertaking to exercise the powers or functions of a state officer.

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

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

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

26 (b) An option, irrespective of the conditions to the exercise of  
27 the option; and

28 (c) A promise or undertaking for the present or future delivery or  
29 procurement.

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

35 (a) Is, or will be, the subject of state action; or

36 (b) Is one to which the state is or will be a party; or

37 (c) Is one in which the state has a direct and substantial  
38 proprietary interest.

1 "Transaction involving the state" does not include legislation or  
2 proposed legislation.

3 NEW SECTION. **Sec. 102.** ACTIVITIES INCOMPATIBLE WITH PUBLIC  
4 DUTIES. No state officer or state employee may have an interest,  
5 financial or otherwise, direct or indirect, or engage in a business or  
6 transaction or professional activity, or incur an obligation of any  
7 nature, that is in conflict with the proper discharge of the state  
8 officer's or state employee's duties.

9 NEW SECTION. **Sec. 103.** FINANCIAL INTERESTS IN TRANSACTIONS. No  
10 state officer or state employee may be beneficially interested,  
11 directly or indirectly, in a contract, sale, lease, or purchase that  
12 may be made by, through, or under the supervision of the officer or  
13 employee, in whole or in part, or accept, directly or indirectly, any  
14 compensation, gratuity, or reward from any other person beneficially  
15 interested in the contract, sale, lease, or purchase.

16 (2) No state officer or state employee may transact business in his  
17 or her official capacity with a business entity of which the officer or  
18 employee is an officer, agent, employee, or member, or in which the  
19 officer or employee owns an interest.

20 NEW SECTION. **Sec. 104.** ASSISTING IN TRANSACTIONS. (1) Except in  
21 the course of official duties or incident to official duties, no state  
22 officer or state employee may assist another person, directly or  
23 indirectly, whether or not for compensation, in a transaction involving  
24 the state:

25 (a) In which the state officer or state employee has at any time  
26 participated; or

27 (b) If the transaction involving the state is or has been under the  
28 official responsibility of the state officer or state employee within  
29 a period of two years preceding such assistance.

30 (2) No state officer or state employee may share in compensation  
31 received by another for assistance that the officer or employee is  
32 prohibited from providing under subsection (1) or (3) of this section.

33 (3) A business entity of which a state officer or state employee is  
34 a partner, managing officer, or employee shall not assist another  
35 person in a transaction involving the state if the state officer or

1 state employee is prohibited from doing so by subsection (1) of this  
2 section.

3 (4) This chapter does not prevent a state officer or state employee  
4 from assisting, in a transaction involving the state:

5 (a) The state officer's or state employee's parent, spouse, or  
6 child, or a child thereof for whom the officer or employee is serving  
7 as guardian, executor, administrator, trustee, or other personal  
8 fiduciary, if the state officer or state employee did not participate  
9 in the transaction; or

10 (b) Another state employee involved in disciplinary or other  
11 personnel administration proceedings.

12 NEW SECTION. **Sec. 105.** CONFIDENTIAL INFORMATION. No state  
13 officer or state employee may accept employment or engage in any  
14 business or professional activity that the officer or employee might  
15 reasonably expect would require or induce him or her to disclose  
16 confidential information acquired by the official or employee by reason  
17 of the official's or employee's official position.

18 (2) No state officer or state employee may disclose confidential  
19 information gained by reason of the officer's or employee's official  
20 position or otherwise use the information for his or her personal gain  
21 or benefit or the gain or benefit of another.

22 (3) No state officer or state employee may disclose confidential  
23 information to any person not entitled to receive the information.

24 (4) No state officer or state employee may intentionally conceal a  
25 record if the officer or employee knew the record was required to be  
26 released under chapter 42.17 RCW, was under a personal obligation to  
27 release the record, and failed to do so. This subsection does not  
28 apply where the decision to withhold the record was made in good faith.

29 NEW SECTION. **Sec. 106.** TESTIMONY OF STATE OFFICERS AND STATE  
30 EMPLOYEES. This chapter does not prevent a state officer or state  
31 employee from giving testimony under oath or from making statements  
32 required to be made under penalty of perjury or contempt.

33 NEW SECTION. **Sec. 107.** SPECIAL PRIVILEGES. Except as required to  
34 perform duties within the scope of employment, no state officer or  
35 state employee may use his or her position to secure special privileges

1 or exemptions for himself or herself, or his or her spouse, child,  
2 parents, or other persons.

3 NEW SECTION. **Sec. 108.** POSTPUBLIC SERVICE EMPLOYMENT. (1) No  
4 former state officer or state employee may, within a period of one year  
5 from the date of termination of state employment, accept employment or  
6 receive compensation from an employer if:

7 (a) The officer or employee, during the two years immediately  
8 preceding termination of state employment, was engaged in the  
9 negotiation or administration on behalf of the state or agency of one  
10 or more contracts with that employer and was in a position to make  
11 discretionary decisions affecting the outcome of such negotiation or  
12 the nature of such administration;

13 (b) Such a contract or contracts have a total value of more than  
14 ten thousand dollars; and

15 (c) The duties of the employment by the employer or the activities  
16 for which the compensation would be received from the private business  
17 include fulfilling or implementing, in whole or in part, the provisions  
18 of such a contract or contracts or include the supervision or control  
19 of actions taken to fulfill or implement, in whole or in part, the  
20 provisions of such a contract or contracts. This subsection shall not  
21 be construed to prohibit a state officer or state employee from  
22 accepting employment with a state employee organization.

23 (2) No person who has served as a state officer or state employee  
24 may, within a period of two years following the termination of state  
25 employment, have a direct or indirect beneficial interest in a contract  
26 or grant that was expressly authorized or funded by specific  
27 legislative or executive action of the former state officer or state  
28 employee or the former state officer's or state employee's agency.

29 (3) No former state officer or state employee may accept an offer  
30 of employment or receive compensation from an employer if the officer  
31 or employee knows or has reason to believe that the offer of employment  
32 or compensation was intended, in whole or in part, directly or  
33 indirectly, to influence the officer or employee or as compensation or  
34 reward for the performance or nonperformance of a duty by the officer  
35 or employee during the course of state employment.

36 (4) No former state officer or state employee may accept an offer  
37 of employment or receive compensation from an employer if the  
38 circumstances would lead a reasonable person to believe the offer has

1 been made or would be made for the purpose of influencing the  
2 performance of duties.

3 (5) No former state officer or state employee may at any time  
4 subsequent to his or her state employment assist another person,  
5 whether or not for compensation, in any transaction involving the state  
6 in which the former state officer or state employee at any time  
7 participated during state employment. This subsection shall not be  
8 construed to prohibit any employee or officer of a state employee  
9 organization from rendering assistance to state officers or state  
10 employees in the course of employee organization business.

11 (6) As used in this section, "employer" includes a natural person,  
12 or public or private partnership, association, or corporation of any  
13 kind or description that is engaged in business activity in this state  
14 or elsewhere. If a natural person, closely associated or related group  
15 of natural persons, partnership, or corporation owns or controls two or  
16 more businesses, all of the businesses owned or controlled shall be  
17 defined as a single private business for the purposes of this section.

18 NEW SECTION. Sec. 109. FORMER STATE OFFICERS AND STATE EMPLOYEES.  
19 This chapter shall not be construed to prevent a former state officer  
20 or state employee from rendering assistance to others if the assistance  
21 is provided without compensation in any form and is limited to one or  
22 more of the following:

23 (1) Providing the names, addresses, and telephone numbers of state  
24 agencies or state employees;

25 (2) Providing free transportation to another for the purpose of  
26 conducting business with a state agency;

27 (3) Assisting a natural person or nonprofit corporation in  
28 obtaining or completing application forms or other forms required by a  
29 state agency for the conduct of a state business; or

30 (4) Providing assistance to the poor and infirm.

31 Sec. 110. RCW 42.18.270 and 1969 ex.s. c 234 s 27 are each amended  
32 to read as follows:

33 (1) The head of an agency, upon finding that any former state  
34 officer or state employee of such agency or any other person has  
35 violated any provision of this chapter or rules or policies adopted  
36 under it, may, in addition to any other powers the head of such agency  
37 may have, bar or impose reasonable conditions upon:

1 (a) The appearance before such agency of such former state officer  
2 or state employee or other person; and

3 (b) The conduct of, or negotiation or competition for, business  
4 with such agency by such former state officer or state employee or  
5 other person, such period of time as may reasonably be necessary or  
6 appropriate to effectuate the purposes of this chapter.

7 (2) Findings of violations referred to in subsection (1)(b) of this  
8 section shall be made on record after notice and hearing, conducted in  
9 accordance with the Washington Administrative Procedure Act, chapter  
10 34.05 RCW. Such findings and orders are subject to judicial review.

11 (3) This section does not apply to the legislative or judicial  
12 branches of government.

13 NEW SECTION. Sec. 111. COMPENSATION FOR OFFICIAL DUTIES. No  
14 state officer or state employee may, directly or indirectly, ask for or  
15 give or receive or agree to receive any compensation, gift, reward, or  
16 gratuity from a source except the state of Washington or its political  
17 subdivisions for any matter connected with or related to performing or  
18 to omitting or deferring the performance of any official duty, unless  
19 otherwise provided for by law.

20 NEW SECTION. Sec. 112. COMPENSATION FOR PERSONAL SERVICES. (1)  
21 No state officer or state employee may receive any thing of economic  
22 value either from a contract or grant from agencies of state government  
23 or from local governments in connection with a program that receives a  
24 substantial portion of its funding from the state; or for or in  
25 consideration of the officer's or employee's personal services  
26 rendered, or to be rendered, to or for any person during the term of  
27 the officer's or employee's state service other than compensation from  
28 the state of Washington, unless the services meet each of the following  
29 qualifications:

30 (a) The services are bona fide and actually performed;

31 (b) The services are not within the course of the officer's or  
32 employee's official duties, or under the officer's or employee's  
33 supervision;

34 (c) The services are not prohibited by section 104 of this act or  
35 by applicable laws or rules governing outside employment for the  
36 officer or employee;

1 (d) The services are neither performed for nor compensated by any  
2 person from whom such officer or employee would be prohibited by  
3 section 115(4) of this act from receiving a gift;

4 (e) The contract or grant is not one expressly created or  
5 authorized by the officer or employee or his or her agency;

6 (f) The contract, grant, or other personal service would not  
7 require unauthorized disclosure of confidential information.

8 (2) In addition to satisfying the requirements of subsection (1) of  
9 this section, a state officer or state employee may have a beneficial  
10 interest in a grant or personal services contract with the state, a  
11 state agency, or a local government in connection with a program  
12 receiving substantial funding from the state only if:

13 (a) The contract or grant is issued as a result of an open and  
14 competitive bidding process; or

15 (b) The process for awarding the contract or grant is not open and  
16 competitive, the officer or employee has been advised by the  
17 appropriate ethics board that the contract, if awarded to the  
18 individual, will not present an unacceptable conflict with official  
19 duties; and

20 (c) The state officer or state employee is awarded a contract or  
21 grant after an open and competitive bidding process in which the  
22 officer's or employee's was the only bid received, the contract or  
23 grant may not be executed until the officer or employee has been  
24 advised by the appropriate ethics board that the contract will not  
25 present an unacceptable conflict with official duties.

26 (3) Personal services contracts awarded in compliance with  
27 subsection (2) of this section shall be filed with the appropriate  
28 ethics board.

29 (4) This section does not prevent a state officer or state employee  
30 from receiving compensation contributed from the treasury of the United  
31 States, another state, county, or municipality if the compensation is  
32 received pursuant to arrangements entered into between such state,  
33 county, municipality, or the United States and the officer's or  
34 employee's agency. This section does not prohibit a state officer or  
35 state employee from serving under an employment contract with a  
36 governmental entity.

37 (5) As used in this section, "officer" and "employee" do not  
38 include officers and employees who, in accordance with the terms of  
39 their employment or appointment, are serving without compensation from

1 the state of Washington or are receiving from the state only  
2 reimbursement of expenses incurred or a predetermined allowance for  
3 such expenses.

4 NEW SECTION. **Sec. 113.** HONORARIA. (1) No state officer or state  
5 employee may receive honoraria unless specifically authorized by  
6 policies of their employing agency, subject to approval by the  
7 appropriate ethics board.

8 (2) An ethics board may disapprove a policy that permits honoraria  
9 under the following circumstances:

10 (a) The person offering the honoraria is seeking or is reasonably  
11 expected to seek contractual relations with or a grant from the  
12 employer of the state officer or state employee, and the officer or  
13 employee is in a position to participate in the terms or the award of  
14 the contract or grant;

15 (b) The person offering the honoraria is regulated by the employer  
16 of the state officer or state employee and the officer or employee is  
17 in a position to participate in the regulation; or

18 (c) The person offering the honoraria is seeking or opposing or is  
19 reasonably likely to seek or oppose legislation before a legislative  
20 authority of which the state officer or state employee is a member or  
21 employee.

22 NEW SECTION. **Sec. 114.** GIFTS. No state officer or state employee  
23 may receive, accept, take, seek, or solicit, directly or indirectly,  
24 any thing of economic value as a gift, gratuity, or favor from a person  
25 if it could be reasonably expected that the gift, gratuity, or favor  
26 would influence the vote, action, or judgment of the officer or  
27 employee, or be considered as part of a reward for action or inaction.

28 NEW SECTION. **Sec. 115.** LIMITATIONS ON GIFTS. (1) No state  
29 officer or state employee may accept gifts, other than those specified  
30 in subsections (2) and (5) of this section, with an aggregate value in  
31 excess of fifty dollars from a single source in a calendar year. The  
32 value of gifts given to an officer's or employee's family member shall  
33 be attributed to the official or employee for the purpose of  
34 determining whether the limit has been exceeded, unless an independent  
35 business, family, or social relationship exists between the donor and  
36 the family member.

1 (2) Except as provided in subsection (4) of this section, the  
2 following items are presumed not to influence under section 114 of this  
3 act, without regard to the limit established by subsection (1) of this  
4 section:

5 (a) Flowers, plants, floral arrangements, and similar items of  
6 nominal value;

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

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

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

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

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

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

23 (h) Gifts from dignitaries from another state or a foreign country  
24 that are intended to be personal in nature.

25 (3) The presumption in subsection (2) of this section may be  
26 overcome based on all of the circumstances surrounding the gifts.

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

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

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

38 (c) Unsolicited items received by a state officer or state employee  
39 for the purpose of evaluation or review, if the officer or employee has

1 no personal beneficial interest in the eventual use or acquisition of  
2 the item by the officer's or employee's agency;

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

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

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

11 (g) Those items excluded from the definition of gift in section 101  
12 of this act except:

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

16 (ii) Payments for seminars and educational programs sponsored by a  
17 bona fide nonprofit professional, educational, or trade association, or  
18 charitable institution; and

19 (iii) Flowers, plants, floral arrangements, and other similar items  
20 of nominal value.

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

27 **Sec. 116.** RCW 42.18.217 and 1987 c 426 s 3 are each amended to  
28 read as follows:

29 (1) No state officer or state employee may employ or use any  
30 person, money, or property under the officer's or employee's official  
31 control or direction, or in his or her official custody, for the  
32 private benefit or gain of the officer, employee, or another.

33 (2) This section does not prohibit the use of public resources to  
34 benefit others as part of a state officer's or state employee's public  
35 duties.

36 (3) The appropriate ethics boards may adopt rules providing  
37 exceptions to this section for occasional use of the state officer or

1 state employee, of de minimis cost and value, if the activity does not  
2 result in interference with the proper performance of public duties.

3 **Sec. 117.** RCW 42.18.230 and 1987 c 426 s 5 are each amended to  
4 read as follows:

5 ~~((1))~~ No person shall give, pay, loan, transfer, or deliver,  
6 directly or indirectly, to any other person any thing of economic value  
7 believing or having reason to believe that there exist circumstances  
8 making the receipt thereof a violation of ~~((RCW 42.18.170, 42.18.190,~~  
9 ~~and 42.18.213))~~ section 104, 111, 112, or 114 of this act.

10 ~~((2) No person shall give, transfer, or deliver, directly or~~  
11 ~~indirectly, to a state employee, any thing of economic value as a gift,~~  
12 ~~gratuity, or favor if either:~~

13 ~~(a) Such person would not give the gift, gratuity, or favor but for~~  
14 ~~such employee's office or position with the state; or~~

15 ~~(b) Such person is in a status specified in clause (a), (b), or (c)~~  
16 ~~of RCW 42.18.200(2).~~

17 ~~Exceptions to this subsection (2) may be made by regulations issued~~  
18 ~~pursuant to RCW 42.18.240 in situations referred to in RCW~~  
19 ~~42.18.200(3).))~~

20 NEW SECTION. **Sec. 118.** USE OF PUBLIC RESOURCES FOR POLITICAL  
21 CAMPAIGNS. No state officer or state employee may use or authorize the  
22 use of facilities of an agency, directly or indirectly, for the purpose  
23 of assisting a campaign for election of a person to an office or for  
24 the promotion of or opposition to a ballot proposition. Knowing  
25 acquiescence by a person with authority to direct, control, or  
26 influence the actions of the state officer or state employee using  
27 public resources in violation of this section constitutes a violation  
28 of this section. Facilities of an agency include, but are not limited  
29 to, use of stationery, postage, machines, and equipment, use of state  
30 employees of the agency during working hours, vehicles, office space,  
31 publications of the agency, and clientele lists of persons served by  
32 the agency. This section shall not apply to the following activities:

33 (1) Action taken at an open public meeting by members of an elected  
34 legislative body to express a collective decision, or to actually vote  
35 upon a motion, proposal, resolution, order, or ordinance, or to support  
36 or oppose a ballot proposition as long as (a) required notice of the  
37 meeting includes the title and number of the ballot proposition, and

1 (b) members of the legislative body or members of the public are  
2 afforded an approximately equal opportunity for the expression of an  
3 opposing view;

4 (2) A statement by an elected official in support of or in  
5 opposition to any ballot proposition at an open press conference or in  
6 response to a specific inquiry. For the purposes of this subsection,  
7 it is not a violation of this section for an elected official to  
8 respond to an inquiry regarding a ballot proposition, to make  
9 incidental remarks concerning a ballot proposition in an official  
10 communication, or otherwise comment on a ballot proposition without an  
11 actual, measurable expenditure of public funds. The public disclosure  
12 commission shall, after consultation with the ethics boards, adopt by  
13 rule a definition of measurable expenditure;

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

16 (4) Initiation of written and verbal communications by state-wide  
17 elected officials and legislators of their views on ballot propositions  
18 that foreseeably may affect a matter that falls within their  
19 constitutional or statutory responsibilities; and

20 (5) De minimis use of public facilities by state-wide elected  
21 officials and legislators incidental to the preparation or delivery of  
22 permissible communications.

23 NEW SECTION. **Sec. 119.** INVESTMENTS. (1) Except for permissible  
24 investments as defined in this section, no state officer or state  
25 employee of any agency responsible for the investment of funds, who  
26 acts in a decision-making, advisory, or policy-influencing capacity  
27 with respect to investments, may have a direct or indirect interest in  
28 any property, security, equity, or debt instrument of a person, without  
29 prior written approval of the agency.

30 (2) Agencies responsible for the investment of funds shall adopt  
31 policies governing approval of investments and establishing criteria to  
32 be considered in the approval process. Criteria shall include the  
33 relationship between the proposed investment and investments held or  
34 under consideration by the state, the size and timing of the proposed  
35 investment, access by the state officer or state employee to nonpublic  
36 information relative to the proposed investment, and the availability  
37 of the investment in the public market. Agencies responsible for the  
38 investment of funds also shall adopt policies consistent with this

1 chapter governing use by their officers and employees of financial  
2 information acquired by virtue of their state positions. A violation  
3 of such policies adopted to implement this subsection shall constitute  
4 a violation of this chapter.

5 (3) As used in this section, "permissible investments" means any  
6 mutual fund, deposit account, certificate of deposit, or money market  
7 fund maintained with a bank, broker, or other financial institution, a  
8 security publicly traded in an organized market if the interest in the  
9 security at acquisition is ten thousand dollars or less, or an interest  
10 in real estate, except if the real estate interest is in or with a  
11 party in whom the agency holds an investment.

12 NEW SECTION. **Sec. 120.** AGENCY POLICIES. (1) Each agency may  
13 establish policies consistent with law, for use within the agency to  
14 protect against violations of this chapter.

15 (2) Policies adopted under this section are subject to approval by  
16 the appropriate ethics board.

17 NEW SECTION. **Sec. 121.** A new section is added to chapter 42.23  
18 RCW to read as follows:

19 (1) No municipal officer may use his or her position to secure  
20 special privileges or exemptions for himself, herself, or others.

21 (2) No municipal officer may, directly or indirectly, give or  
22 receive or agree to receive any compensation, gift, reward, or gratuity  
23 from a source except the employing municipality, for a matter connected  
24 with or related to the officer's services as such an officer unless  
25 otherwise provided for by law.

26 (3) No municipal officer may accept employment or engage in  
27 business or professional activity that the officer might reasonably  
28 expect would require or induce him or her by reason of his or her  
29 official position.

30 (4) No municipal officer may disclose confidential information  
31 gained by reason of the officer's position, nor may the officer  
32 otherwise use such information for his or her personal gain or benefit.

33 **PART II**  
34 **ETHICS ENFORCEMENT BOARDS**

1        NEW SECTION.     **Sec. 201.**     LEGISLATIVE ETHICS BOARD.     (1) The  
2 legislative ethics board is created, composed of nine members, selected  
3 as follows:

4        (a) Two senators, one from each of the two largest caucuses,  
5 appointed by the president of the senate;

6        (b) Two members of the house of representatives, one from each of  
7 the two largest caucuses, appointed by the speaker of the house of  
8 representatives;

9        (c) Five citizen members:

10        (i) One citizen member chosen by the governor from a list of three  
11 individuals submitted by each of the four legislative caucuses; and

12        (ii) One citizen member selected by three of the four other citizen  
13 members of the legislative ethics board.

14        (2) Except for initial members and members completing partial  
15 terms, nonlegislative members shall serve a single five-year term.

16        (3) No more than three of the public members may be identified with  
17 the same political party.

18        (4) Terms of initial nonlegislative board members shall be  
19 staggered as follows: One member shall be appointed to a one-year  
20 term; one member shall be appointed to a two-year term; one member  
21 shall be appointed to a three-year term; one member shall be appointed  
22 to a four-year term; and one member shall be appointed for a five-year  
23 term.

24        (5) A vacancy on the board shall be filled in the same manner as  
25 the original appointment.

26        (6) Legislative members shall serve two-year terms, from January  
27 31st of an odd-numbered year until January 31st of the next  
28 odd-numbered year.

29        (7) Each member shall serve for the term of his or her appointment  
30 and until his or her successor is appointed.

31        (8) The citizen members shall annually select a chair from among  
32 themselves.

33        NEW SECTION.     **Sec. 202.**     AUTHORITY OF LEGISLATIVE ETHICS BOARD.

34 (1) The legislative ethics board shall hear all matters related to the  
35 statutes, rules, and policies that establish standards of ethical  
36 conduct by members and employees of the legislature.

37        (2) The legislative ethics board shall:

1 (a) Develop educational materials and training with regard to  
2 legislative ethics for legislators and legislative employees;

3 (b) Issue advisory opinions;

4 (c) Adopt rules or policies, including but not limited to defining  
5 working hours;

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

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

9 (f) Recommend suspension or removal to the appropriate legislative  
10 entity, or recommend prosecution to the appropriate authority; and

11 (g) Establish criteria regarding the levels of civil penalties  
12 appropriate for different types of violations of this chapter and rules  
13 and policies adopted under it.

14 (3) The board may:

15 (a) Issue subpoenas for the attendance and testimony of witnesses  
16 and the production of documentary evidence relating to any matter under  
17 examination by the board or involved in any hearing;

18 (b) Administer oaths and affirmations;

19 (c) Examine witnesses; and

20 (d) Receive evidence.

21 NEW SECTION. **Sec. 203.** EXECUTIVE ETHICS BOARD. (1) The executive  
22 ethics board is created, composed of five members, appointed by the  
23 governor as follows:

24 (a) One member shall be a classified service employee as defined in  
25 chapter 41.06 RCW;

26 (b) One member shall be a state officer or state employee in an  
27 exempt position;

28 (c) One member shall be a citizen selected from a list of three  
29 names submitted by the attorney general;

30 (d) One member shall be a citizen selected from a list of three  
31 names submitted by the state auditor; and

32 (e) One member shall be a citizen selected at large by the  
33 governor.

34 (2) Except for initial members and members completing partial  
35 terms, members shall serve a single five-year term.

36 (3) No more than three members may be identified with the same  
37 political party.

1 (4) Terms of initial board members shall be staggered as follows:  
2 One member shall be appointed to a one-year term; one member shall be  
3 appointed to a two-year term; one member shall be appointed to a three-  
4 year term; one member shall be appointed to a four-year term; and one  
5 member shall be appointed to a five-year term.

6 (5) A vacancy on the board shall be filled in the same manner as  
7 the original appointment.

8 (6) Each member shall serve for the term of his or her appointment  
9 and until his or her successor is appointed.

10 (7) The members shall annually select a chair from among  
11 themselves.

12 (8) Staff shall be provided by the state auditor's office.

13 NEW SECTION. **Sec. 204.** AUTHORITY OF EXECUTIVE ETHICS BOARD. (1)  
14 The executive ethics board shall hear all matters related to the  
15 statutes, rules, and policies that establish standards of ethical  
16 conduct for state-wide elected officers and all other officers and  
17 employees in the executive branch, boards and commissions, and  
18 institutions of higher education.

19 (2) The executive ethics board shall:

20 (a) Develop educational materials and training;

21 (b) Adopt rules or policies, including but not limited to defining  
22 working hours;

23 (c) Issue advisory opinions;

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

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

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

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

32 (3) The board may:

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

36 (b) Administer oaths and affirmations;

37 (c) Examine witnesses; and

38 (d) Receive evidence.

1 (4) The executive ethics board may review and approve agency  
2 policies as provided for in this chapter.

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

5 NEW SECTION. **Sec. 205.** AUTHORITY OF COMMISSION ON JUDICIAL  
6 CONDUCT. The commission on judicial conduct shall enforce this chapter  
7 and rules and policies adopted under it with respect to state officers  
8 and employees of the judicial branch.

9 NEW SECTION. **Sec. 206.** HEARING AND SUBPOENA AUTHORITY. Except as  
10 otherwise provided by law, the ethics boards may hold hearings,  
11 subpoena witnesses, compel their attendance, administer oaths, take the  
12 testimony of a person under oath, and in connection therewith, to  
13 require the production for examination of any books or papers relating  
14 to any matter under investigation or in question before the ethics  
15 board. The ethics board may make rules as to the issuance of subpoenas  
16 by individual members, as to service of complaints, decisions, orders,  
17 recommendations, and other process or papers of the ethics board.

18 NEW SECTION. **Sec. 207.** ENFORCEMENT OF SUBPOENA AUTHORITY. In  
19 case of refusal to obey a subpoena issued to a person, the superior  
20 court of a county within the jurisdiction of which the investigation,  
21 proceeding, or hearing under this chapter is carried on or within the  
22 jurisdiction of which the person refusing to obey is found or resides  
23 or transacts business, upon application by the appropriate ethics board  
24 shall have jurisdiction to issue to the person an order requiring the  
25 person to appear before the ethics board or its member to produce  
26 evidence if so ordered, or to give testimony touching the matter under  
27 investigation or in question. Failure to obey such order of the court  
28 may be punished by the court as contempt.

29 NEW SECTION. **Sec. 208.** FILING COMPLAINT. (1) A person may,  
30 personally or by his or her attorney, make, sign, and file with the  
31 appropriate ethics board a complaint on a form provided by the  
32 appropriate ethics board. The complaint shall state the name of the  
33 person alleged to have violated this chapter or rules or policies  
34 adopted under it and the particulars thereof, and contain such other  
35 information as may be required by the appropriate ethics board.

1 (2) If it has reason to believe that any person has been engaged or  
2 is engaging in a violation of this chapter or rules or policies adopted  
3 under it, an ethics board may issue a complaint.

4 NEW SECTION. **Sec. 209.** INVESTIGATION. After the filing of any  
5 complaint, except as provided in section 212 of this act, the staff of  
6 the appropriate ethics board shall investigate the complaint. The  
7 investigation shall be limited to the alleged facts contained in the  
8 complaint. The results of the investigation shall be reduced to  
9 writing and a determination shall be made that there is or that there  
10 is not reasonable cause to believe that a violation of this chapter or  
11 rules or policies adopted under it has been or is being committed. A  
12 copy of the written determination shall be provided to the complainant  
13 and to the person named in such complaint.

14 NEW SECTION. **Sec. 210.** PUBLIC HEARING--FINDINGS. (1) If the  
15 ethics board determines there is reasonable cause under section 209 of  
16 this act that a violation of this chapter or rules or policies adopted  
17 under it occurred, a public hearing on the merits of the complaint  
18 shall be held.

19 (2) The ethics board shall designate the location of the hearing.  
20 The case in support of the complaint shall be presented at the hearing  
21 by staff of the ethics board.

22 (3) The respondent shall file a written answer to the complaint and  
23 appear at the hearing in person or otherwise, with or without counsel,  
24 and submit testimony and be fully heard. The respondent has the right  
25 to cross-examine witnesses.

26 (4) Testimony taken at the hearing shall be under oath and  
27 recorded.

28 (5) If, based upon a preponderance of the evidence, the ethics  
29 board finds that the respondent has violated this chapter or rules or  
30 policies adopted under it, the board shall file an order stating  
31 findings of fact and enforcement action as authorized under this  
32 chapter.

33 (6) If, upon all the evidence, the ethics board finds that the  
34 respondent has not engaged in an alleged violation of this chapter or  
35 rules or policies adopted under it, the ethics board shall state  
36 findings of fact and shall similarly issue and file an order dismissing  
37 the complaint.

1        NEW SECTION.    **Sec. 211.**    REVIEW OF ORDER.    Except as otherwise  
2 provided by law, reconsideration or judicial review of an ethics  
3 board's order that a violation of this chapter or rules or policies  
4 adopted under it has occurred shall be governed by the provisions of  
5 chapter 34.05 RCW applicable to review of adjudicative proceedings.

6        NEW SECTION.    **Sec. 212.**    COMPLAINT AGAINST LEGISLATOR OR STATE-WIDE  
7 ELECTED OFFICIAL.    (1) If a complaint alleges a violation of section  
8 118 of this act by a legislator or state-wide elected official other  
9 than the attorney general, the attorney general shall conduct the  
10 investigation under section 209 of this act and recommend action to the  
11 appropriate ethics board.

12        (2) If a complaint alleges a violation of section 118 of this act  
13 by the attorney general, the state auditor shall conduct the  
14 investigation under section 209 of this act and recommend action to the  
15 appropriate ethics board.

16        NEW SECTION.    **Sec. 213.**    CITIZEN ACTIONS.    Any person who has  
17 notified the appropriate ethics board and the attorney general in  
18 writing that there is reason to believe that some provision of this  
19 chapter is being or has been violated may, in the name of the state,  
20 bring a citizen action any of the actions authorized under this  
21 chapter.    A citizen action may be brought only if the appropriate  
22 ethics board or the attorney general have failed to commence an action  
23 under this chapter within forty-five days after notice from the person,  
24 the person has thereafter notified the appropriate ethics board and the  
25 attorney general that the person will commence a citizen's action  
26 within ten days upon their failure to commence an action, and the  
27 appropriate ethics board and the attorney general have in fact failed  
28 to bring an action within ten days of receipt of the second notice.

29        If the person who brings the citizen's action prevails, the  
30 judgment awarded shall escheat to the state, but the person shall be  
31 entitled to be reimbursed by the state of Washington for costs and  
32 attorneys' fees incurred.    If a citizen's action that the court finds  
33 was brought without reasonable cause is dismissed, the court may order  
34 the person commencing the action to pay all costs of trial and  
35 reasonable attorneys' fees incurred by the defendant.

1        NEW SECTION.    **Sec. 214.**    REFERRAL FOR ENFORCEMENT.    As appropriate,  
2    an ethics board may refer a complaint:

3        (1) To an agency for initial investigation and proposed resolution  
4    which shall be referred back to the appropriate ethics board for  
5    action; or

6        (2) To the attorney general's office or prosecutor for appropriate  
7    action.

8        NEW SECTION.    **Sec. 215.**    ACTION BY BOARDS.    (1) Except as otherwise  
9    provided by law, an ethics board may order payment of the following  
10   amounts if it finds a violation of this chapter or rules or policies  
11   adopted under it after a hearing under section 205 of this act or other  
12   applicable law:

13        (a) Any damages sustained by the state that are caused by the  
14   conduct constituting the violation;

15        (b) From each such person, a civil penalty of up to five thousand  
16   dollars per violation or three times the economic value of any thing  
17   received or sought in violation of this chapter or rules or policies  
18   adopted under it, whichever is greater; and

19        (c) Costs, including reasonable investigative costs, which shall be  
20   included as part of the limit under (b) of this subsection.

21        (2) Damages under this section may be enforced in the same manner  
22   as a judgment in a civil case.

23        NEW SECTION.    **Sec. 216.**    ACTION BY ATTORNEY GENERAL.    Upon a  
24   written determination by the attorney general that the action of an  
25   ethics board was clearly erroneous or if requested by an ethics board,  
26   the attorney general may bring a civil action in the superior court of  
27   the county in which the violation is alleged to have occurred against  
28   a state officer, state employee, former state officer, former state  
29   employee, or other person who has violated or knowingly assisted  
30   another person in violating any of the provisions of this chapter or  
31   the rules or policies adopted under it.    In such action the attorney  
32   general may recover the following amounts on behalf of the state of  
33   Washington:

34        (1) Any damages sustained by the state that are caused by the  
35   conduct constituting the violation;

36        (2) From each such person, a civil penalty of up to five thousand  
37   dollars per violation or three times the economic value of any thing

1 received or sought in violation of this chapter or the rules or  
2 policies adopted under it, whichever is greater; and

3 (3) Costs, including reasonable investigative costs, which shall be  
4 included as part of the limit under subsection (2) of this section.

5 NEW SECTION. **Sec. 217.** HEARINGS CONDUCTED BY ADMINISTRATIVE LAW  
6 JUDGE. If the appropriate ethics board determines that a civil penalty  
7 exceeding five hundred dollars is possible, at the option of the ethics  
8 board enforcing this chapter or at the request of the person subject to  
9 the enforcement action, an administrative law judge shall be requested  
10 by the appropriate ethics board to conduct the hearing and rule on  
11 procedural and evidentiary matters.

12 NEW SECTION. **Sec. 218.** RESCISSION OF STATE ACTION. (1) The  
13 attorney general may, on request of the governor or the appropriate  
14 agency, and in addition to other available rights of rescission, bring  
15 an action in the superior court of Thurston county to cancel or rescind  
16 state action taken by a state officer or state employee, without  
17 liability to the state of Washington, contractual or otherwise, if the  
18 governor or ethics board has reason to believe that: (a) A violation  
19 of this chapter or rules or policies adopted under it has substantially  
20 influenced the state action, and (b) the interest of the state requires  
21 the cancellation or rescission. The governor may suspend state action  
22 pending the determination of the merits of the controversy under this  
23 section. The court may permit persons affected by the governor's  
24 actions to post an adequate bond pending such resolution to ensure  
25 compliance by the defendant with the final judgment, decree, or other  
26 order of the court.

27 (2) This section does not limit other available remedies.

28 **Sec. 219.** RCW 42.18.260 and 1969 ex.s. c 234 s 26 are each amended  
29 to read as follows:

30 ~~(1) ((The head of an agency may dismiss, suspend, or take such~~  
31 ~~other action as may be appropriate in the circumstances in respect to~~  
32 ~~any state employee of his agency upon finding that such employee has~~  
33 ~~violated this chapter or regulations promulgated hereunder. — Such~~  
34 ~~action may include the imposition of conditions of the nature described~~  
35 ~~in RCW 42.18.270(1)))~~ A violation of this chapter or rules or policies  
36 adopted under it is grounds for disciplinary action.

1 (2) The procedures for any such action shall correspond to those  
2 applicable for disciplinary action for employee misconduct generally;  
3 for those state officers and state employees not specifically exempted  
4 (~~therein~~) in chapter 41.06 RCW, the rules set forth in (~~the state~~  
5 ~~civil service law~~) chapter 41.06 RCW(~~)~~) shall apply. Any action  
6 against the state officer or state employee shall be subject to  
7 judicial review to the extent provided by law for disciplinary action  
8 for misconduct of state officers and state employees of the same  
9 category and grade.

10 NEW SECTION. Sec. 220. ADDITIONAL INVESTIGATIVE AUTHORITY. In  
11 addition to other authority under this chapter, the attorney general  
12 may investigate persons not under the jurisdiction of an ethics board  
13 whom the attorney general has reason to believe were involved in  
14 transactions in violation of this chapter or rules or policies adopted  
15 under it.

16 NEW SECTION. Sec. 221. LIMITATIONS PERIOD. Any action taken  
17 under this chapter must be commenced within the later of (1) five years  
18 from the date of the alleged violation or (2) two years from the date  
19 the alleged violation was discovered or reasonably should have been  
20 discovered by the agency head.

### 21 PART III

#### 22 MISCELLANEOUS PROVISIONS

23 NEW SECTION. Sec. 301. LIBERAL CONSTRUCTION. This chapter shall  
24 be construed liberally to effectuate its purposes and policy and to  
25 supplement existing laws as may relate to the same subject.

26 NEW SECTION. Sec. 302. PARTS AND CAPTIONS NOT LAW. Parts and  
27 captions used in this act do not constitute any part of the law.

28 NEW SECTION. Sec. 303. The following sections are each recodified  
29 as sections in chapter 42.-- RCW (sections 101 through 109, 111 through  
30 115, 118 through 120, 201 through 218, 220, 221, 301, and 302 of this  
31 act):

32 RCW 42.18.217

33 RCW 42.18.230

- 1 RCW 42.18.260
- 2 RCW 42.18.270
- 3 RCW 42.18.330
- 4 RCW 42.22.050

5 NEW SECTION. **Sec. 304.** The following acts or parts of acts are  
6 each repealed:

- 7 (1) RCW 42.18.010 and 1969 ex.s. c 234 s 1;
- 8 (2) RCW 42.18.020 and 1969 ex.s. c 234 s 2;
- 9 (3) RCW 42.18.030 and 1969 ex.s. c 234 s 3;
- 10 (4) RCW 42.18.040 and 1969 ex.s. c 234 s 4;
- 11 (5) RCW 42.18.050 and 1969 ex.s. c 234 s 5;
- 12 (6) RCW 42.18.060 and 1969 ex.s. c 234 s 6;
- 13 (7) RCW 42.18.070 and 1969 ex.s. c 234 s 7;
- 14 (8) RCW 42.18.080 and 1969 ex.s. c 234 s 8;
- 15 (9) RCW 42.18.090 and 1969 ex.s. c 234 s 9;
- 16 (10) RCW 42.18.100 and 1969 ex.s. c 234 s 10;
- 17 (11) RCW 42.18.110 and 1969 ex.s. c 234 s 11;
- 18 (12) RCW 42.18.120 and 1969 ex.s. c 234 s 12;
- 19 (13) RCW 42.18.130 and 1973 c 137 s 1 & 1969 ex.s. c 234 s 13;
- 20 (14) RCW 42.18.140 and 1969 ex.s. c 234 s 14;
- 21 (15) RCW 42.18.150 and 1969 ex.s. c 234 s 15;
- 22 (16) RCW 42.18.170 and 1969 ex.s. c 234 s 17;
- 23 (17) RCW 42.18.180 and 1969 ex.s. c 234 s 18;
- 24 (18) RCW 42.18.190 and 1969 ex.s. c 234 s 19;
- 25 (19) RCW 42.18.200 and 1969 ex.s. c 234 s 20;
- 26 (20) RCW 42.18.210 and 1969 ex.s. c 234 s 21;
- 27 (21) RCW 42.18.213 and 1987 c 426 s 1;
- 28 (22) RCW 42.18.215 and 1987 c 426 s 2;
- 29 (23) RCW 42.18.221 and 1989 c 96 s 6 & 1987 c 426 s 4;
- 30 (24) RCW 42.18.240 and 1969 ex.s. c 234 s 24;
- 31 (25) RCW 42.18.250 and 1969 ex.s. c 234 s 25;
- 32 (26) RCW 42.18.280 and 1969 ex.s. c 234 s 28;
- 33 (27) RCW 42.18.290 and 1973 c 137 s 2 & 1969 ex.s. c 234 s 29;
- 34 (28) RCW 42.18.300 and 1973 c 137 s 3 & 1969 ex.s. c 234 s 30;
- 35 (29) RCW 42.18.310 and 1969 ex.s. c 234 s 31;
- 36 (30) RCW 42.18.320 and 1969 ex.s. c 234 s 32;
- 37 (31) RCW 42.18.900 and 1969 ex.s. c 234 s 40;
- 38 (32) RCW 42.20.010 and 1969 ex.s. c 234 s 34 & 1909 c 249 s 82;

- 1 (33) RCW 42.21.010 and 1965 ex.s. c 150 s 1;  
2 (34) RCW 42.21.020 and 1989 c 175 s 93, 1971 c 81 s 106, & 1965  
3 ex.s. c 150 s 2;  
4 (35) RCW 42.21.030 and 1965 ex.s. c 150 s 3;  
5 (36) RCW 42.21.040 and 1965 ex.s. c 150 s 4;  
6 (37) RCW 42.21.050 and 1965 ex.s. c 150 s 5;  
7 (38) RCW 42.21.080 and 1965 ex.s. c 150 s 8;  
8 (39) RCW 42.21.090 and 1969 ex.s. c 234 s 36;  
9 (40) RCW 42.22.010 and 1959 c 320 s 1;  
10 (41) RCW 42.22.020 and 1959 c 320 s 2;  
11 (42) RCW 42.22.030 and 1961 c 268 s 8 & 1959 c 320 s 3;  
12 (43) RCW 42.22.040 and 1989 c 11 s 13 & 1959 c 320 s 4;  
13 (44) RCW 42.22.060 and 1959 c 320 s 6;  
14 (45) RCW 42.22.070 and 1959 c 320 s 7;  
15 (46) RCW 42.22.120 and 1969 ex.s. c 234 s 37;  
16 (47) RCW 44.60.010 and 1977 ex.s. c 218 s 1 & 1967 ex.s. c 150 s 1;  
17 (48) RCW 44.60.020 and 1980 c 87 s 43, 1977 ex.s. c 218 s 2, & 1967  
18 ex.s. c 150 s 2;  
19 (49) RCW 44.60.030 and 1967 ex.s. c 150 s 3;  
20 (50) RCW 44.60.040 and 1977 ex.s. c 218 s 3 & 1967 ex.s. c 150 s 4;  
21 (51) RCW 44.60.050 and 1984 c 287 s 92, 1979 c 151 s 159, 1977  
22 ex.s. c 218 s 4, 1975-'76 2nd ex.s. c 34 s 135, & 1967 ex.s. c 150 s 5;  
23 (52) RCW 44.60.070 and 1980 c 165 s 1, 1977 ex.s. c 218 s 5, & 1967  
24 ex.s. c 150 s 6;  
25 (53) RCW 44.60.080 and 1977 ex.s. c 218 s 6 & 1967 ex.s. c 150 s 8;  
26 (54) RCW 44.60.090 and 1967 ex.s. c 150 s 9;  
27 (55) RCW 44.60.100 and 1977 ex.s. c 218 s 7;  
28 (56) RCW 44.60.110 and 1980 c 165 s 2 & 1977 ex.s. c 218 s 8;  
29 (57) RCW 44.60.120 and 1977 ex.s. c 218 s 9; and  
30 (58) RCW 44.60.130 and 1977 ex.s. c 218 s 10.

31 NEW SECTION. **Sec. 305.** Sections 101 through 109, 111 through 115,  
32 118 through 120, 201 through 218, 220, 221, 301, and 302 of this act  
33 shall constitute a new chapter in Title 42 RCW.

34 NEW SECTION. **Sec. 306.** If any provision of this act or its  
35 application to any person or circumstance is held invalid, the

1 remainder of the act or the application of the provision to other  
2 persons or circumstances is not affected.

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