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HOUSE BILL 2586

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State of Washington

57th Legislature

2002 Regular Session

By Representatives Schindler and Mielke

Read first time 01/22/2002. Referred to Committee on State Government.

1 AN ACT Relating to unsolicited dissemination of complaints by the  
2 public disclosure commission; and amending RCW 42.17.370.

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

4 **Sec. 1.** RCW 42.17.370 and 1995 c 397 s 17 are each amended to read  
5 as follows:

6 The commission is empowered to:

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

14 (2) Appoint and set, within the limits established by the committee  
15 on agency officials' salaries under RCW 43.03.028, the compensation of  
16 an executive director who shall perform such duties and have such  
17 powers as the commission may prescribe and delegate to implement and  
18 enforce this chapter efficiently and effectively. The commission shall  
19 not delegate its authority to adopt, amend, or rescind rules nor shall

1 it delegate authority to determine whether an actual violation of this  
2 chapter has occurred or to assess penalties for such violations;

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

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

10 (5) Make public the time and date of any formal hearing set to  
11 determine whether a violation has occurred, the question or questions  
12 to be considered, and the results thereof. In order to prevent the  
13 creation of an appearance of bias the commission shall not, however,  
14 make unsolicited disseminations of complaints before scheduling the  
15 formal hearing, without a formal public records request;

16 (6) Administer oaths and affirmations, issue subpoenas, and compel  
17 attendance, take evidence and require the production of any books,  
18 papers, correspondence, memorandums, or other records relevant or  
19 material for the purpose of any investigation authorized under this  
20 chapter, or any other proceeding under this chapter;

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

22 (8) Relieve, by rule, candidates or political committees of  
23 obligations to comply with the provisions of this chapter relating to  
24 election campaigns, if they have not received contributions nor made  
25 expenditures in connection with any election campaign of more than one  
26 thousand dollars;

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

1 (10) After hearing, by order approved and ratified by a majority of  
2 the membership of the commission, suspend or modify any of the  
3 reporting requirements of this chapter in a particular case if it finds  
4 that literal application of this chapter works a manifestly  
5 unreasonable hardship and if it also finds that the suspension or  
6 modification will not frustrate the purposes of the chapter. The  
7 commission shall find that a manifestly unreasonable hardship exists if  
8 reporting the name of an entity required to be reported under RCW  
9 42.17.241(1)(g)(ii) would be likely to adversely affect the competitive  
10 position of any entity in which the person filing the report or any  
11 member of his or her immediate family holds any office, directorship,  
12 general partnership interest, or an ownership interest of ten percent  
13 or more. Any suspension or modification shall be only to the extent  
14 necessary to substantially relieve the hardship. The commission shall  
15 act to suspend or modify any reporting requirements only if it  
16 determines that facts exist that are clear and convincing proof of the  
17 findings required under this section. Requests for renewals of  
18 reporting modifications may be heard in a brief adjudicative proceeding  
19 as set forth in RCW 34.05.482 through 34.05.494 and in accordance with  
20 the standards established in this section. No initial request may be  
21 heard in a brief adjudicative proceeding and no request for renewal may  
22 be heard in a brief adjudicative proceeding if the initial request was  
23 granted more than three years previously or if the applicant is holding  
24 an office or position of employment different from the office or  
25 position held when the initial request was granted. The commission  
26 shall adopt administrative rules governing the proceedings. Any  
27 citizen has standing to bring an action in Thurston county superior  
28 court to contest the propriety of any order entered under this section  
29 within one year from the date of the entry of the order; and

30 (11) Revise, at least once every five years but no more often than  
31 every two years, the monetary reporting thresholds and reporting code  
32 values of this chapter. The revisions shall be only for the purpose of  
33 recognizing economic changes as reflected by an inflationary index  
34 recommended by the office of financial management. The revisions shall  
35 be guided by the change in the index for the period commencing with the  
36 month of December preceding the last revision and concluding with the  
37 month of December preceding the month the revision is adopted. As to  
38 each of the three general categories of this chapter (reports of  
39 campaign finance, reports of lobbyist activity, and reports of the

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

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

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