

**HB 1833** - S COMM AMD

By Committee on State Government

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 42.17A.120 and 2010 c 204 s 304 are each amended to  
4 read as follows:

5 (1) The commission may suspend or modify any of the reporting  
6 requirements of this chapter if it finds that literal application of  
7 this chapter works a manifestly unreasonable hardship in a particular  
8 case and the suspension or modification will not frustrate the  
9 purposes of this chapter. The commission may suspend or modify  
10 reporting requirements only after a hearing is held and the  
11 suspension or modification receives approval from a majority of the  
12 commission. A suspension or modification of the financial affairs  
13 reporting requirements in RCW 42.17A.710 may be approved for an  
14 elected official's term of office, or for up to three years for an  
15 executive state officer, where no material change in the applicant's  
16 circumstances is anticipated. The commission shall act to suspend or  
17 modify any reporting requirements:

18 (a) Only if it determines that facts exist that are clear and  
19 convincing proof of the findings required under this section; and

20 (b) Only to the extent necessary to substantially relieve the  
21 hardship.

22 (2) A manifestly unreasonable hardship exists if reporting the  
23 name of an entity required to be reported under RCW  
24 42.17A.710(1)(g)(ii) would be likely to adversely affect the  
25 competitive position of any entity in which the person filing the  
26 report, or any member of his or her immediate family, holds any  
27 office, directorship, general partnership interest, or an ownership  
28 interest of ten percent or more.

29 (3) Requests for (~~renewals of~~) reporting modifications may be  
30 heard in a brief adjudicative proceeding as set forth in RCW  
31 34.05.482 through 34.05.494 and in accordance with the standards

1 established in this section. (~~No initial request may be heard in a~~  
2 ~~brief adjudicative proceeding. No request for renewal may be heard in~~  
3 ~~a brief adjudicative proceeding if the initial request was granted~~  
4 ~~more than three years previously or if the applicant is holding an~~  
5 ~~office or position of employment different from the office or~~  
6 ~~position held when the initial request was granted.))~~

7 (4) Any citizen has standing to bring an action in Thurston  
8 county superior court to contest the propriety of any order entered  
9 under this section within one year from the date of the entry of the  
10 order.

11 (5) The commission shall adopt rules governing the proceedings.

12 **Sec. 2.** RCW 42.17A.700 and 2010 c 204 s 901 are each amended to  
13 read as follows:

14 (1) After January 1st and before April 15th of each year, every  
15 elected official and every executive state officer shall file with  
16 the commission a statement of financial affairs for the preceding  
17 calendar year. However, any local elected official whose term of  
18 office ends on December 31st shall file the statement required to be  
19 filed by this section for the final year of his or her term.

20 (2) Within two weeks of becoming a candidate, every candidate  
21 shall file with the commission a statement of financial affairs for  
22 the preceding twelve months.

23 (3)(a) Within two weeks of appointment, every person appointed to  
24 a vacancy in an elective office or executive state officer position  
25 during the months of January through November shall file with the  
26 commission a statement of financial affairs for the preceding twelve  
27 months.

28 (b) No later than January 15th, a person appointed to a vacancy  
29 in an elective office or executive state officer position during the  
30 month of December shall file with the commission a statement of  
31 financial affairs for the period beginning twelve months prior to the  
32 appointment and ending December 31st of the year in which the  
33 appointment occurred. This initial report also satisfies the filing  
34 requirement set out in subsection (1) of this section.

35 (4) A statement of a candidate or appointee filed during the  
36 period from January 1st to April 15th shall cover the period from  
37 January 1st of the preceding calendar year to the time of candidacy  
38 or appointment if the filing of the statement would relieve the

1 individual of a prior obligation to file a statement covering the  
2 entire preceding calendar year.

3 (5) No individual may be required to file more than once in any  
4 calendar year.

5 (6) Each statement of financial affairs filed under this section  
6 shall be sworn as to its truth and accuracy.

7 (7) Every elected official and every executive state officer  
8 shall file with their statement of financial affairs a statement  
9 certifying that they have read and are familiar with RCW 42.17A.555  
10 or 42.52.180, whichever is applicable.

11 (8) For the purposes of this section, the term "executive state  
12 officer" includes those listed in RCW 42.17A.705.

13 (9) This section does not apply to incumbents or candidates for a  
14 federal office or the office of precinct committee officer.

15 **Sec. 3.** RCW 42.17A.710 and 2010 c 204 s 903 are each amended to  
16 read as follows:

17 (1) The statement of financial affairs required by RCW 42.17A.700  
18 shall disclose the following information for the reporting individual  
19 and each member of his or her immediate family:

20 (a) Occupation, name of employer, and business address;

21 (b)(i) Each bank account, savings account, and insurance policy  
22 in which a direct financial interest was held that exceeds (~~twenty~~)  
23 twenty-four thousand dollars at any time during the reporting period,  
24 and its highest value during the reporting period; and

25 (ii) Each other item of intangible personal property in which a  
26 direct financial interest was held that exceeds (~~two~~) five thousand  
27 dollars during the reporting period(~~the name, address, and nature~~  
28 of the entity; and the nature and highest value of each direct  
29 financial interest during the reporting period)). For each reportable  
30 interest under this subsection (1)(b)(ii), the disclosure must  
31 include the name and nature of the direct financial interest and its  
32 value. For purposes of reporting the value of any reportable direct  
33 financial interest held on December 31st of the reporting period, the  
34 year-end value may be used. When reporting the value of any  
35 reportable direct financial interest not held on December 31st of the  
36 reporting period, the highest value during the reporting period must  
37 be used. Ownership of shares of multiple mutual funds within the same  
38 mutual fund family may be disclosed by reporting the mutual fund  
39 family name;

1 (c) The name and address of each creditor to whom the value of  
2 two thousand four hundred dollars or more was owed; the original  
3 amount of each debt to each creditor; the amount of each debt owed to  
4 each creditor as of the date of filing; the terms of repayment of  
5 each debt; and the security given, if any, for each such debt. Debts  
6 arising from a "retail installment transaction" as defined in chapter  
7 63.14 RCW (retail installment sales act) need not be reported;

8 (d) Every public or private office, directorship, and position  
9 held as trustee;

10 (e) All persons for whom any legislation, rule, rate, or standard  
11 has been prepared, promoted, or opposed for current or deferred  
12 compensation. For the purposes of this subsection, "compensation"  
13 does not include payments made to the person reporting by the  
14 governmental entity for which the person serves as an elected  
15 official or state executive officer or professional staff member for  
16 his or her service in office; the description of such actual or  
17 proposed legislation, rules, rates, or standards; and the amount of  
18 current or deferred compensation paid or promised to be paid;

19 (f) The name and address of each governmental entity,  
20 corporation, partnership, joint venture, sole proprietorship,  
21 association, union, or other business or commercial entity from whom  
22 compensation has been received in any form of a total value of two  
23 thousand four hundred dollars or more; the value of the compensation;  
24 and the consideration given or performed in exchange for the  
25 compensation;

26 (g) The name of any corporation, partnership, joint venture,  
27 association, union, or other entity in which is held any office,  
28 directorship, or any general partnership interest, or an ownership  
29 interest of ten percent or more; the name or title of that office,  
30 directorship, or partnership; the nature of ownership interest; and:

31 (i) With respect to a governmental unit in which the official seeks  
32 or holds any office or position, if the entity has received  
33 compensation in any form during the preceding twelve months from the  
34 governmental unit, the value of the compensation and the  
35 consideration given or performed in exchange for the compensation;

36 and (ii) the name of each governmental unit, corporation,  
37 partnership, joint venture, sole proprietorship, association, union,  
38 or other business or commercial entity from which the entity has  
39 received compensation in any form in the amount of (~~ten~~) twelve  
40 thousand dollars or more during the preceding twelve months and the

1 consideration given or performed in exchange for the compensation. As  
2 used in (g)(ii) of this subsection, "compensation" does not include  
3 payment for water and other utility services at rates approved by the  
4 Washington state utilities and transportation commission or the  
5 legislative authority of the public entity providing the service.  
6 With respect to any bank or commercial lending institution in which  
7 is held any office, directorship, partnership interest, or ownership  
8 interest, it shall only be necessary to report either the name,  
9 address, and occupation of every director and officer of the bank or  
10 commercial lending institution and the average monthly balance of  
11 each account held during the preceding twelve months by the bank or  
12 commercial lending institution from the governmental entity for which  
13 the individual is an official or candidate or professional staff  
14 member, or all interest paid by a borrower on loans from and all  
15 interest paid to a depositor by the bank or commercial lending  
16 institution if the interest exceeds two thousand (~~four~~) nine  
17 hundred dollars;

18 (h) A list, including legal or other sufficient descriptions as  
19 prescribed by the commission, of all real property in the state of  
20 Washington, the assessed valuation of which exceeds (~~ten~~) twelve  
21 thousand dollars in which any direct financial interest was acquired  
22 during the preceding calendar year, and a statement of the amount and  
23 nature of the financial interest and of the consideration given in  
24 exchange for that interest;

25 (i) A list, including legal or other sufficient descriptions as  
26 prescribed by the commission, of all real property in the state of  
27 Washington, the assessed valuation of which exceeds (~~ten~~) twelve  
28 thousand dollars in which any direct financial interest was divested  
29 during the preceding calendar year, and a statement of the amount and  
30 nature of the consideration received in exchange for that interest,  
31 and the name and address of the person furnishing the consideration;

32 (j) A list, including legal or other sufficient descriptions as  
33 prescribed by the commission, of all real property in the state of  
34 Washington, the assessed valuation of which exceeds (~~ten~~) twelve  
35 thousand dollars in which a direct financial interest was held. If a  
36 description of the property has been included in a report previously  
37 filed, the property may be listed, for purposes of this subsection  
38 (1)(j), by reference to the previously filed report;

39 (k) A list, including legal or other sufficient descriptions as  
40 prescribed by the commission, of all real property in the state of

1 Washington, the assessed valuation of which exceeds (~~twenty~~)  
2 twenty-four thousand dollars, in which a corporation, partnership,  
3 firm, enterprise, or other entity had a direct financial interest, in  
4 which corporation, partnership, firm, or enterprise a ten percent or  
5 greater ownership interest was held;

6 (l) A list of each occasion, specifying date, donor, and amount,  
7 at which food and beverage in excess of fifty dollars was accepted  
8 under RCW 42.52.150(5);

9 (m) A list of each occasion, specifying date, donor, and amount,  
10 at which items specified in RCW 42.52.010(~~(+10)~~) (9) (d) and (f)  
11 were accepted; and

12 (n) Such other information as the commission may deem necessary  
13 in order to properly carry out the purposes and policies of this  
14 chapter, as the commission shall prescribe by rule.

15 (2)(a) Where an amount is required to be reported under  
16 subsection (1)(a) through (m) of this section, it (~~shall be~~  
17 ~~sufficient to comply with the requirement to report whether the~~  
18 ~~amount is less than four thousand dollars, at least four thousand~~  
19 ~~dollars but less than twenty thousand dollars, at least twenty~~  
20 ~~thousand dollars but less than forty thousand dollars, at least forty~~  
21 ~~thousand dollars but less than one hundred thousand dollars, or one~~  
22 ~~hundred thousand dollars or more~~) may be reported as provided in (b)  
23 of this subsection.

24 (b)

<u>Code A</u>	<u>Less than \$30,000</u>
<u>Code B</u>	<u>At least \$30,000 but less than \$60,000</u>
<u>Code C</u>	<u>At least \$60,000 but less than \$100,000</u>
<u>Code D</u>	<u>At least \$100,000 but less than \$200,000</u>
<u>Code E</u>	<u>At least \$200,000 but less than \$500,000</u>
<u>Code F</u>	<u>At least \$500,000 but less than \$750,000</u>
<u>Code G</u>	<u>At least \$750,000 but less than \$1,000,000</u>
<u>Code H</u>	<u>\$1,000,000 or more</u>

33 (c) An amount of stock may be reported by number of shares  
34 instead of by market value.

35 (d) No provision of this subsection (2) may be interpreted to  
36 prevent any person from filing more information or more detailed  
37 information than required.

1 (3) Items of value given to an official's or employee's spouse,  
2 domestic partner, or family member are attributable to the official  
3 or employee, except the item is not attributable if an independent  
4 business, family, or social relationship exists between the donor and  
5 the spouse, domestic partner, or family member.

6 **Sec. 4.** RCW 42.17A.755 and 2011 c 145 s 7 are each amended to  
7 read as follows:

8 (1) The commission may (a) determine whether an actual violation  
9 of this chapter has occurred; and (b) issue and enforce an  
10 appropriate order following such a determination.

11 (2) The commission, in cases where it chooses to determine  
12 whether an actual violation has occurred, shall hold a hearing  
13 pursuant to the administrative procedure act, chapter 34.05 RCW, to  
14 make a determination. Any order that the commission issues under this  
15 section shall be pursuant to such a hearing.

16 (3) In lieu of holding a hearing or issuing an order under this  
17 section, the commission may refer the matter to the attorney general  
18 or other enforcement agency as provided in RCW 42.17A.105.

19 (4) The person against whom an order is directed under this  
20 section shall be designated as the respondent. The order may require  
21 the respondent to cease and desist from the activity that constitutes  
22 a violation and in addition, or alternatively, may impose one or more  
23 of the remedies provided in RCW 42.17A.750(1) (b) through ~~((e))~~  
24 (f). The commission may order the respondent to take specific action  
25 to comply with this chapter. The commission may assess a penalty in  
26 an amount not to exceed ten thousand dollars.

27 (5) The commission has the authority to waive a fine for a first-  
28 time violation. A second violation of the same rule by the same  
29 person or individual, regardless if the person or individual  
30 committed the violation for a different political committee, shall  
31 result in a fine. Succeeding violations of the same rule shall result  
32 in successively increased fines.

33 (6) An order issued by the commission under this section shall be  
34 subject to judicial review under the administrative procedure act,  
35 chapter 34.05 RCW. If the commission's order is not satisfied and no  
36 petition for review is filed within thirty days, the commission may  
37 petition a court of competent jurisdiction of any county in which a  
38 petition for review could be filed under that section, for an order

1 of enforcement. Proceedings in connection with the commission's  
2 petition shall be in accordance with RCW 42.17A.760."

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By Committee on State Government

3 On page 1, line 2 of the title, after "appointees;" strike the  
4 remainder of the title and insert "and amending RCW 42.17A.120,  
5 42.17A.700, 42.17A.710, and 42.17A.755."

EFFECT: Requires judges, prosecutors, sheriffs, and their  
immediate family members to disclose the full mailing address of  
personal residences on the F-1 form.

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