

1 5149-S AAS 4/8/91

2 SSB 5149 - S AMD

3 By Senators Nelson and Rasmussen

4 Adopted as Amended 4/8/91 - Voice Vote
5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 42.17.020 and 1990 c 139 s 2 are each amended to read
8 as follows:

9 (1) "Agency" includes all state agencies and all local agencies.
10 "State agency" includes every state office, department, division,
11 bureau, board, commission, or other state agency. "Local agency"
12 includes every county, city, town, municipal corporation, quasi-
13 municipal corporation, or special purpose district, or any office,
14 department, division, bureau, board, commission, or agency thereof, or
15 other local public agency.

16 (2) "Ballot proposition" means any "measure" as defined by RCW
17 29.01.110, or any initiative, recall, or referendum proposition
18 proposed to be submitted to the voters of the state or any municipal
19 corporation, political subdivision, or other voting constituency from
20 and after the time when the proposition has been initially filed with
21 the appropriate election officer of that constituency prior to its
22 circulation for signatures.

23 (3) "Benefit" means any commercial, proprietary, financial,
24 economic, or monetary advantage, or the avoidance of any commercial,
25 proprietary, financial, economic, or monetary disadvantage.

26 (4) "Depository" means a bank designated by a candidate or
27 political committee pursuant to RCW 42.17.050.

1 (~~(4)~~) (5) "Treasurer" and "deputy treasurer" mean the individuals
2 appointed by a candidate or political committee, pursuant to RCW
3 42.17.050, to perform the duties specified in that section.

4 (~~(5)~~) (6) "Candidate" means any individual who seeks election to
5 public office. An individual shall be deemed to seek election when he
6 first:

7 (a) Receives contributions or makes expenditures or reserves space
8 or facilities with intent to promote his candidacy for office; or

9 (b) Announces publicly or files for office.

10 (~~(6)~~) (7) "Commercial advertiser" means any person who sells the
11 service of communicating messages or producing printed material for
12 broadcast or distribution to the general public or segments of the
13 general public whether through the use of newspapers, magazines,
14 television and radio stations, billboard companies, direct mail
15 advertising companies, printing companies, or otherwise.

16 (~~(7)~~) (8) "Commission" means the agency established under RCW
17 42.17.350.

18 (~~(8)~~) (9) "Compensation" unless the context requires a narrower
19 meaning, includes payment in any form for real or personal property or
20 services of any kind: PROVIDED, That for the purpose of compliance with
21 RCW 42.17.241, the term "compensation" shall not include per diem
22 allowances or other payments made by a governmental entity to reimburse
23 a public official for expenses incurred while the official is engaged
24 in the official business of the governmental entity.

25 (~~(9)~~) (10) "Continuing political committee" means a political
26 committee that is an organization of continuing existence not
27 established in anticipation of any particular election campaign.

28 (~~(10)~~) (11) "Contribution" includes a loan, gift, deposit,
29 subscription, forgiveness of indebtedness, donation, advance, pledge,
30 payment, transfer of funds between political committees, or transfer of

1 anything of value, including personal and professional services for
2 less than full consideration, but does not include interest on moneys
3 deposited in a political committee's account, ordinary home hospitality
4 and the rendering of personal services of the sort commonly performed
5 by volunteer campaign workers, or incidental expenses personally
6 incurred by volunteer campaign workers not in excess of fifty dollars
7 personally paid for by the worker. Volunteer services, for the
8 purposes of this chapter, means services or labor for which the
9 individual is not compensated by any person. For the purposes of this
10 chapter, contributions other than money or its equivalents shall be
11 deemed to have a money value equivalent to the fair market value of the
12 contribution. Sums paid for tickets to fund-raising events such as
13 dinners and parties are contributions; however, the amount of any such
14 contribution may be reduced for the purpose of complying with the
15 reporting requirements of this chapter, by the actual cost of
16 consumables furnished in connection with the purchase of the tickets,
17 and only the excess over the actual cost of the consumables shall be
18 deemed a contribution.

19 ~~((11))~~ (12) "Elected official" means any person elected at a
20 general or special election to any public office, and any person
21 appointed to fill a vacancy in any such office.

22 ~~((12))~~ (13) "Election" includes any primary, general, or special
23 election for public office and any election in which a ballot
24 proposition is submitted to the voters: PROVIDED, That an election in
25 which the qualifications for voting include other than those
26 requirements set forth in Article VI, section 1 (Amendment 63) of the
27 Constitution of the state of Washington shall not be considered an
28 election for purposes of this chapter.

1 (~~(13)~~) (14) "Election campaign" means any campaign in support of
2 or in opposition to a candidate for election to public office and any
3 campaign in support of, or in opposition to, a ballot proposition.

4 (~~(14)~~) (15) "Expenditure" includes a payment, contribution,
5 subscription, distribution, loan, advance, deposit, or gift of money or
6 anything of value, and includes a contract, promise, or agreement,
7 whether or not legally enforceable, to make an expenditure. The term
8 "expenditure" also includes a promise to pay, a payment, or a transfer
9 of anything of value in exchange for goods, services, property,
10 facilities, or anything of value for the purpose of assisting,
11 benefiting, or honoring any public official or candidate, or assisting
12 in furthering or opposing any election campaign. For the purposes of
13 this chapter, agreements to make expenditures, contracts, and promises
14 to pay may be reported as estimated obligations until actual payment is
15 made. The term "expenditure" shall not include the partial or complete
16 repayment by a candidate or political committee of the principal of a
17 loan, the receipt of which loan has been properly reported.

18 (~~(15)~~) (16) "Final report" means the report described as a final
19 report in RCW 42.17.080(2).

20 (~~(16)~~) (17) "Gift" means a rendering of money, property,
21 services, discount, loan forgiveness, payment of indebtedness,
22 reimbursements from or payments by persons, other than the state of
23 Washington or any agency or political subdivision thereof, for travel
24 or anything else of value in excess of fifty dollars in return for
25 which legal consideration of equal or greater value is not given and
26 received but does not include:

27 (a) Any contribution that is required to be reported under RCW
28 42.17.090 or 42.17.243;

29 (b) Any informational material that is transferred for the purpose
30 of informing the recipient about matters pertaining to official agency

1 business, and that is not intended to financially benefit that
2 recipient;

3 (c) Any symbolic presentation that is not intended to financially
4 benefit the recipient;

5 (d) Any honorarium that is required to be reported under this
6 chapter;

7 (e) Any hosting in the form of entertainment, meals, or
8 refreshments, the value of which does not exceed one hundred dollars,
9 furnished in connection with official appearances, official ceremonies,
10 and occasions where official agency business is discussed;

11 (f) Gifts that are not used and that, within thirty days after
12 receipt, are returned to the donor or delivered to a charitable
13 organization without being claimed as a charitable contribution for tax
14 purposes;

15 (g) Intrafamily gifts; or

16 (h) Gifts received in the normal course of private business or
17 social interaction that are not related to public policy decisions or
18 agency actions.

19 (18) "Immediate family" includes the spouse, dependent children,
20 and other dependent relatives, if living in the household.

21 ((17)) (19) "Legislation" means bills, resolutions, motions,
22 amendments, nominations, and other matters pending or proposed in
23 either house of the state legislature, and includes any other matter
24 that may be the subject of action by either house or any committee of
25 the legislature and all bills and resolutions that, having passed both
26 houses, are pending approval by the governor.

27 ((18)) (20) "Lobby" and "lobbying" each mean attempting to
28 influence the passage or defeat of any legislation by the legislature
29 of the state of Washington, or the adoption or rejection of any rule,
30 standard, rate, or other legislative enactment of any state agency

1 under the state Administrative Procedure Act, chapter 34.05 RCW.
2 Neither "lobby" nor "lobbying" includes an association's or other
3 organization's act of communicating with the members of that
4 association or organization.

5 ~~((19))~~ (21) "Lobbyist" includes any person who lobbies either in
6 his or her own or another's behalf.

7 ~~((20))~~ (22) "Lobbyist's employer" means the person or persons by
8 whom a lobbyist is employed and all persons by whom he is compensated
9 for acting as a lobbyist.

10 ~~((21))~~ (23) "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 ~~((22))~~ (24) "Person in interest" means the person who is the
17 subject of a record or any representative designated by that person,
18 except that if that person is under a legal disability, the term
19 "person in interest" means and includes the parent or duly appointed
20 legal representative.

21 ~~((23))~~ (25) "Political advertising" includes any advertising
22 displays, newspaper ads, billboards, signs, brochures, articles,
23 tabloids, flyers, letters, radio or television presentations, or other
24 means of mass communication, used for the purpose of appealing,
25 directly or indirectly, for votes or for financial or other support in
26 any election campaign.

27 ~~((24))~~ (26) "Political committee" means any person (except a
28 candidate or an individual dealing with his own funds or property)
29 having the expectation of receiving contributions or making

1 expenditures in support of, or opposition to, any candidate or any
2 ballot proposition.

3 ~~((+25+))~~ (27) "Public office" means any federal, state, county,
4 city, town, school district, port district, special district, or other
5 state political subdivision elective office.

6 ~~((+26+))~~ (28) "Public record" includes any writing containing
7 information relating to the conduct of government or the performance of
8 any governmental or proprietary function prepared, owned, used, or
9 retained by any state or local agency regardless of physical form or
10 characteristics.

11 ~~((+27+))~~ (29) "Surplus funds" mean, in the case of a political
12 committee or candidate, the balance of contributions that remain in the
13 possession or control of that committee or candidate subsequent to the
14 election for which the contributions were received, and that are in
15 excess of the amount necessary to pay remaining debts incurred by the
16 committee or candidate prior to that election. In the case of a
17 continuing political committee, "surplus funds" mean those
18 contributions remaining in the possession or control of the committee
19 that are in excess of the amount necessary to pay all remaining debts
20 when it makes its final report under RCW 42.17.065.

21 ~~((+28+))~~ (30) "Writing" means handwriting, typewriting, printing,
22 photostating, photographing, and every other means of recording any
23 form of communication or representation, including letters, words,
24 pictures, sounds, or symbols, or combination thereof, and all papers,
25 maps, magnetic or paper tapes, photographic films and prints, magnetic
26 or punched cards, discs, drums, and other documents.

27 As used in this chapter, the singular shall take the plural and any
28 gender, the other, as the context requires."

1 **"Sec. 2.** RCW 42.17.095 and 1982 c 147 s 8 are each amended to read
2 as follows:

3 The surplus funds of a candidate, or of a political committee
4 supporting or opposing a candidate, may only be disposed of in any one
5 or more of the following ways:

6 (1) Return the surplus to a contributor in an amount not to exceed
7 that contributor's original contribution;

8 (2) Transfer the surplus to the candidate's personal account as
9 reimbursement for lost earnings incurred as a result of that
10 candidate's election campaign. Such lost earnings shall be verifiable
11 as unpaid salary or, when the candidate is not salaried, as an amount
12 not to exceed income received by the candidate for services rendered
13 during an appropriate, corresponding time period. All lost earnings
14 incurred shall be documented and a record thereof shall be maintained
15 by the candidate or the candidate's political committee. The committee
16 shall include a copy of such record when its expenditure for such
17 reimbursement is reported pursuant to RCW 42.17.090;

18 (3) Transfer all or part of the surplus to a public office fund
19 established in accordance with RCW 42.17.243;

20 (4) Transfer the surplus to one or more candidates or to a
21 political committee or party;

22 ~~((4))~~ (5) Donate the surplus to a charitable organization
23 registered in accordance with chapter 19.09 RCW;

24 ~~((5))~~ (6) Transmit the surplus to the state treasurer for deposit
25 in the general fund; or

26 ~~((6))~~ (7) Hold the surplus in the ~~((campaign))~~ depository or
27 depositories designated in accordance with RCW 42.17.050 for possible
28 use in a future election campaign, for political activity, or for
29 community activity, or for nonreimbursed public office related expenses
30 and report any such disposition in accordance with RCW 42.17.090~~((+~~

1 ~~PROVIDED, That~~)). However, if the candidate subsequently announces or
2 publicly files for office, information as appropriate is reported to
3 the commission in accordance with RCW 42.17.040 through 42.17.090. If
4 a subsequent office is not sought the surplus held shall be disposed of
5 in accordance with the requirements of this section."

6 "Sec. 3. RCW 42.17.170 and 1990 c 139 s 3 are each amended to read
7 as follows:

8 (1) Any lobbyist registered under RCW 42.17.150 and any person who
9 lobbies shall file with the commission periodic reports of his
10 activities signed by the lobbyist. The reports shall be made in the
11 form and manner prescribed by the commission. They shall be due
12 monthly and shall be filed within fifteen days after the last day of
13 the calendar month covered by the report.

14 (2) Each such monthly periodic report shall contain:

15 (a) The totals of all expenditures for lobbying activities made or
16 incurred by such lobbyist or on behalf of such lobbyist by the
17 lobbyist's employer during the period covered by the report. Such
18 totals for lobbying activities shall be segregated according to
19 financial category, including compensation; food and refreshments;
20 living accommodations; advertising; travel; contributions; and other
21 expenses or services. Each individual expenditure of more than
22 (~~twenty-five~~) fifty dollars for entertainment shall be identified by
23 date, place, amount, and the names of all persons in the group
24 partaking in or of such entertainment including any portion thereof
25 attributable to the lobbyist's participation therein but without
26 allocating any portion of such expenditure to individual participants.

27 Notwithstanding the foregoing, lobbyists are not required to report
28 the following:

1 (i) Unreimbursed personal living and travel expenses not incurred
2 directly for lobbying;

3 (ii) Any expenses incurred for his or her own living
4 accommodations;

5 (iii) Any expenses incurred for his or her own travel to and from
6 hearings of the legislature;

7 (iv) Any expenses incurred for telephone, and any office expenses,
8 including rent and salaries and wages paid for staff and secretarial
9 assistance.

10 (b) In the case of a lobbyist employed by more than one employer,
11 the proportionate amount of such expenditures in each category incurred
12 on behalf of each of his employers.

13 (c) An itemized listing of each such expenditure in the nature of
14 a contribution of money or of tangible or intangible personal property
15 to any candidate, elected official, or officer or employee of any
16 agency, or any political committee supporting or opposing any ballot
17 proposition, or for or on behalf of any candidate, elected official, or
18 officer or employee of any agency, or any political committee
19 supporting or opposing any ballot proposition. All contributions made
20 to, or for the benefit of, any candidate, elected official, or officer
21 or employee of any agency, or any political committee supporting or
22 opposing any ballot proposition shall be identified by date, amount,
23 and the name of the candidate, elected official, or officer or employee
24 of any agency, or any political committee supporting or opposing any
25 ballot proposition receiving, or to be benefited by each such
26 contribution. When a listing or a report of contributions is made to
27 the commission under this subsection (2)(c), a copy of the listing or
28 report must be given to the candidate, elected official, professional
29 staff member of the legislature, or officer or employee of any agency,

1 or any political committee supporting or opposing any ballot
2 proposition named in the listing or report.

3 (d) The subject matter of proposed legislation or other legislative
4 activity or rule-making under chapter 34.05 RCW, the state
5 Administrative Procedure Act, and the state agency considering the
6 same, which the lobbyist has been engaged in supporting or opposing
7 during the reporting period.

8 (e) Such other information relevant to lobbying activities as the
9 commission shall by rule prescribe. Information supporting such
10 activities as are required to be reported is subject to audit by the
11 commission."

12 "Sec. 4. RCW 42.17.240 and 1989 c 158 s 1 are each amended to read
13 as follows:

14 (1) Every elected official and every executive state officer shall
15 after January 1st and before April 15th of each year file with the
16 commission a statement of financial affairs for the preceding calendar
17 year. However, any local elected official whose term of office expires
18 immediately after December 31st shall file the statement required to be
19 filed by this section for the year that ended on that December 31st.
20 In addition to and in conjunction with the statement of financial
21 affairs, every official and officer shall file a statement describing
22 any gifts received during the preceding calendar year.

23 (2) Every candidate shall within two weeks of becoming a candidate
24 file with the commission a statement of financial affairs for the
25 preceding twelve months.

26 (3) Every person appointed to a vacancy in an elective office or
27 executive state officer position shall within two weeks of being so
28 appointed file with the commission a statement of financial affairs for
29 the preceding twelve months.

1 (4) A statement of a candidate or appointee filed during the period
2 from January 1st to April 15th shall cover the period from January 1st
3 of the preceding calendar year to the time of candidacy or appointment
4 if the filing of the statement would relieve the individual of a prior
5 obligation to file a statement covering the entire preceding calendar
6 year.

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

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

11 (7) For the purposes of this section, the term "executive state
12 officer" includes those listed in RCW 42.17.2401.

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

15 **"Sec. 5.** RCW 42.17.243 and 1977 ex.s. c 366 s 5 are each amended
16 to read as follows:

17 (1) Elected and appointed officials required to report under RCW
18 42.17.240(~~(7)~~) shall report for themselves and for members of their
19 immediate family to the commission any contributions received (~~(during~~
20 ~~the preceding calendar year)~~) for the officials' use in defraying
21 nonreimbursed public office related expenses. Contributions (~~(reported~~
22 ~~under this section)~~) received for this purpose shall be referred to as
23 a "public office fund" and shall (~~(not be transferred to a political~~
24 ~~committee nor used to promote or oppose a candidate or ballot~~
25 ~~proposition, other than as provided by subsection (3) (a) of this~~
26 ~~section. For the purposes of this section contributions shall include~~
27 ~~reimbursements from or payments by persons, other than the state of~~
28 ~~Washington or any agency, for travel expenses)~~) be held in a separate
29 bank account established for that purpose.

1 (2) Within two weeks of the day the public office fund is
2 established, the official for whom it is established shall file with
3 the commission a registration statement to include:

4 (a) The name of the official;

5 (b) The name and business address of the person who will maintain
6 all financial records of the fund;

7 (c) Such other information as the commission may prescribe by rule,
8 in keeping with the policies and purposes of this chapter.

9 Any official who has a public office fund in existence on the
10 effective date of this act shall file a registration statement at the
11 time the quarterly report required by subsection (3) of this section
12 first comes due.

13 ~~(3) A report shall be filed ((during the month of January of any~~
14 ~~year following a year))~~ within one month after the end of each calendar
15 quarter in which ((such contributions were received for or expenditures
16 made from)) a public office fund existed. The report shall include:

17 (a) The name and address of each contributor;

18 (b) A description of each contribution, including the date on which
19 it was received and its amount or, if its dollar value is
20 unascertainable, an estimate of its fair market value; ~~((and))~~

21 (c) A description of each expenditure made from a public office
22 fund, including the name and address of the recipient, the amount, and
23 the date of each ~~((such))~~ expenditure; and

24 (d) Such other information as the commission may prescribe by rule,
25 in keeping with the policies and purpose of this chapter.

26 The official for whom the office fund is established shall certify
27 that the report is correct.

28 ~~((2))~~ (4) No report under ((subsection (1)) subsections (2) and
29 (3) of this section ((shall be)) is required if((:

1 ~~(a) The receipt of the contribution has been reported pursuant to~~
2 ~~RCW 42.17.065 (continuing political committee reports) or RCW 42.17.090~~
3 ~~(political committee reports); or~~

4 ~~(b))~~ the contribution is in the form of meals, refreshments, or
5 entertainment given in connection with official appearances or
6 occasions where public business was discussed.

7 ~~((3))~~ (5) Expenditures may be made from a public office fund only
8 to pay expenses incurred by the official or members of the official's
9 immediate family solely because of the person holding a public office.

10 (a) No funds or assets of a public office fund may be used to
11 support or oppose a candidate or ballot proposition, political party,
12 or political committee except as provided in subsection (6)(a) of this
13 section.

14 (b) No payment may be made from a public office fund to an official
15 to reimburse that official or a member of the official's family for
16 lost earnings incurred as a result of that person being a public
17 official.

18 (c) No funds or assets of a public office fund may be transferred
19 to the public office fund of another person.

20 (d) All payments shall be substantiated by receipts or other
21 appropriate documentation.

22 (6) Any funds ((which)) or other assets, whether tangible or
23 intangible, that remain in a public office fund after all permissible
24 public office related expenses have been paid may only be disposed of
25 in one or more of the following ways:

26 (a) Returned to a contributor in an amount not to exceed that
27 contributor's original contribution; or

28 (b) Donated to a charitable organization registered in accordance
29 with chapter 19.09 RCW; or

1 (c) Transferred to the state treasurer for deposit in the general
2 fund; or

3 (d) In the case of tangible assets, transferred to the government
4 agency in which the official holds office.

5 (7) The official or person named in the registration statement
6 shall preserve books of account, bills, receipts, and all other
7 financial records of the office fund for not less than five calendar
8 years following the year in which the transaction occurred."

9 "NEW SECTION. Sec. 6. This act shall take effect January 1,
10 1992."

11 **SSB 5149** - S AMD
12 By Senators Nelson and Rasmussen

13 Adopted 4/8/91 - Voice Vote

14 On page 1, line 1 of the title, after "funds;" strike the remainder
15 of the title and insert "amending RCW 42.17.020, 42.17.095, 42.17.170,
16 42.17.240, and 42.17.243; and providing an effective date."