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SENATE BILL 6291

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State of Washington

52nd Legislature

1992 Regular Session

By Senator Talmadge

Read first time 01/23/92. Referred to Committee on Governmental Operations.

1 AN ACT Relating to open government; amending RCW 42.17.020,  
2 42.30.020, 43.06.092, 43.88.080, 43.88.160, 42.18.221, 42.18.290,  
3 29.15.170, and 29.15.230; reenacting and amending RCW 49.60.040;  
4 creating a new section; repealing RCW 43.06.094; prescribing penalties;  
5 making an appropriation; and providing an effective date.

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

7 **Sec. 1.** RCW 42.17.020 and 1991 sp.s. c 18 s 1 are each amended to  
8 read 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, including the state  
12 legislature. "Local agency" includes every county, city, town,  
13 municipal corporation, quasi-municipal corporation, or special purpose

1 district, or any office, department, division, bureau, board,  
2 commission, or agency thereof, or other local public agency.

3 (2) "Ballot proposition" means any "measure" as defined by RCW  
4 29.01.110, or any initiative, recall, or referendum proposition  
5 proposed to be submitted to the voters of the state or any municipal  
6 corporation, political subdivision, or other voting constituency from  
7 and after the time when the proposition has been initially filed with  
8 the appropriate election officer of that constituency prior to its  
9 circulation for signatures.

10 (3) "Depository" means a bank designated by a candidate or  
11 political committee pursuant to RCW 42.17.050.

12 (4) "Treasurer" and "deputy treasurer" mean the individuals  
13 appointed by a candidate or political committee, pursuant to RCW  
14 42.17.050, to perform the duties specified in that section.

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

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

19 (b) Announces publicly or files for office.

20 (6) "Commercial advertiser" means any person who sells the service  
21 of communicating messages or producing printed material for broadcast  
22 or distribution to the general public or segments of the general public  
23 whether through the use of newspapers, magazines, television and radio  
24 stations, billboard companies, direct mail advertising companies,  
25 printing companies, or otherwise.

26 (7) "Commission" means the agency established under RCW 42.17.350.

27 (8) "Compensation" unless the context requires a narrower meaning,  
28 includes payment in any form for real or personal property or services  
29 of any kind: PROVIDED, That for the purpose of compliance with RCW  
30 42.17.241, the term "compensation" shall not include per diem

1 allowances or other payments made by a governmental entity to reimburse  
2 a public official for expenses incurred while the official is engaged  
3 in the official business of the governmental entity.

4 (9) "Continuing political committee" means a political committee  
5 that is an organization of continuing existence not established in  
6 anticipation of any particular election campaign.

7 (10) "Contribution" includes a loan, gift, deposit, subscription,  
8 forgiveness of indebtedness, donation, advance, pledge, payment,  
9 transfer of funds between political committees, or transfer of anything  
10 of value, including personal and professional services for less than  
11 full consideration, but does not include interest on moneys deposited  
12 in a political committee's account, ordinary home hospitality and the  
13 rendering of personal services of the sort commonly performed by  
14 volunteer campaign workers, or incidental expenses personally incurred  
15 by volunteer campaign workers not in excess of fifty dollars personally  
16 paid for by the worker. Volunteer services, for the purposes of this  
17 chapter, means services or labor for which the individual is not  
18 compensated by any person. For the purposes of this chapter,  
19 contributions other than money or its equivalents shall be deemed to  
20 have a money value equivalent to the fair market value of the  
21 contribution. Sums paid for tickets to fund-raising events such as  
22 dinners and parties are contributions; however, the amount of any such  
23 contribution may be reduced for the purpose of complying with the  
24 reporting requirements of this chapter, by the actual cost of  
25 consumables furnished in connection with the purchase of the tickets,  
26 and only the excess over the actual cost of the consumables shall be  
27 deemed a contribution.

28 (11) "Elected official" means any person elected at a general or  
29 special election to any public office, and any person appointed to fill  
30 a vacancy in any such office.

1 (12) "Election" includes any primary, general, or special election  
2 for public office and any election in which a ballot proposition is  
3 submitted to the voters: PROVIDED, That an election in which the  
4 qualifications for voting include other than those requirements set  
5 forth in Article VI, section 1 (Amendment 63) of the Constitution of  
6 the state of Washington shall not be considered an election for  
7 purposes of this chapter.

8 (13) "Election campaign" means any campaign in support of or in  
9 opposition to a candidate for election to public office and any  
10 campaign in support of, or in opposition to, a ballot proposition.

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

25 (15) "Final report" means the report described as a final report in  
26 RCW 42.17.080(2).

27 (16) "Gift," for the purposes of RCW 42.17.170 and 42.17.2415,  
28 means a rendering of anything of value in return for which reasonable  
29 consideration is not given and received and includes a rendering of  
30 money, property, services, discount, loan forgiveness, payment of

1 indebtedness, or reimbursements from or payments by persons (other than  
2 the federal government, or the state of Washington or any agency or  
3 political subdivision thereof) for travel or anything else of value.  
4 The term "reasonable consideration" refers to the approximate range of  
5 consideration that exists in transactions not involving donative  
6 intent. However, the value of the gift of partaking in a single hosted  
7 reception shall be determined by dividing the total amount of the cost  
8 of conducting the reception by the total number of persons partaking in  
9 the reception. "Gift" for the purposes of RCW 42.17.170 and 42.17.2415  
10 does not include:

11 (a) A gift, other than a gift of partaking in a hosted reception,  
12 with a value of fifty dollars or less;

13 (b) The gift of partaking in a hosted reception if the value of the  
14 gift is one hundred dollars or less;

15 (c) A contribution that is required to be reported under RCW  
16 42.17.090 or 42.17.243;

17 (d) Informational material that is transferred for the purpose of  
18 informing the recipient about matters pertaining to official business  
19 of the governmental entity of which the recipient is an official or  
20 officer, and that is not intended to confer on that recipient any  
21 commercial, proprietary, financial, economic, or monetary advantage, or  
22 the avoidance of any commercial, proprietary, financial, economic, or  
23 monetary disadvantage;

24 (e) A gift that is not used and that, within thirty days after  
25 receipt, is returned to the donor or delivered to a charitable  
26 organization. However, this exclusion from the definition does not  
27 apply if the recipient of the gift delivers the gift to a charitable  
28 organization and claims the delivery as a charitable contribution for  
29 tax purposes;

1 (f) A gift given under circumstances where it is clear beyond any  
2 doubt that the gift was not made as part of any design to gain or  
3 maintain influence in the governmental entity of which the recipient is  
4 an officer or official or with respect to any legislative matter or  
5 matters of that governmental entity; or

6 (g) A gift given prior to September 29, 1991.

7 (17) "Immediate family" includes the spouse, dependent children,  
8 and other dependent relatives, if living in the household.

9 (18) "Legislation" means bills, resolutions, motions, amendments,  
10 nominations, and other matters pending or proposed in either house of  
11 the state legislature, and includes any other matter that may be the  
12 subject of action by either house or any committee of the legislature  
13 and all bills and resolutions that, having passed both houses, are  
14 pending approval by the governor.

15 (19) "Lobby" and "lobbying" each mean attempting to influence the  
16 passage or defeat of any legislation by the legislature of the state of  
17 Washington, or the adoption or rejection of any rule, standard, rate,  
18 or other legislative enactment of any state agency under the state  
19 Administrative Procedure Act, chapter 34.05 RCW. Neither "lobby" nor  
20 "lobbying" includes an association's or other organization's act of  
21 communicating with the members of that association or organization.

22 (20) "Lobbyist" includes any person who lobbies either in his own  
23 or another's behalf.

24 (21) "Lobbyist's employer" means the person or persons by whom a  
25 lobbyist is employed and all persons by whom he is compensated for  
26 acting as a lobbyist.

27 (22) "Person" includes an individual, partnership, joint venture,  
28 public or private corporation, association, federal, state, or local  
29 governmental entity or agency however constituted, candidate,  
30 committee, political committee, political party, executive committee

1 thereof, or any other organization or group of persons, however  
2 organized.

3 (23) "Person in interest" means the person who is the subject of a  
4 record or any representative designated by that person, except that if  
5 that person is under a legal disability, the term "person in interest"  
6 means and includes the parent or duly appointed legal representative.

7 (24) "Political advertising" includes any advertising displays,  
8 newspaper ads, billboards, signs, brochures, articles, tabloids,  
9 flyers, letters, radio or television presentations, or other means of  
10 mass communication, used for the purpose of appealing, directly or  
11 indirectly, for votes or for financial or other support in any election  
12 campaign.

13 (25) "Political committee" means any person (except a candidate or  
14 an individual dealing with his own funds or property) having the  
15 expectation of receiving contributions or making expenditures in  
16 support of, or opposition to, any candidate or any ballot proposition.

17 (26) "Public office" means any federal, state, county, city, town,  
18 school district, port district, special district, or other state  
19 political subdivision elective office.

20 (27) "Public record" includes any writing containing information  
21 relating to the conduct of government or the performance of any  
22 governmental or proprietary function prepared, owned, used, or retained  
23 by any state or local agency regardless of physical form or  
24 characteristics.

25 (28) "Surplus funds" mean, in the case of a political committee or  
26 candidate, the balance of contributions that remain in the possession  
27 or control of that committee or candidate subsequent to the election  
28 for which the contributions were received, and that are in excess of  
29 the amount necessary to pay remaining debts incurred by the committee  
30 or candidate prior to that election. In the case of a continuing

1 political committee, "surplus funds" mean those contributions remaining  
2 in the possession or control of the committee that are in excess of the  
3 amount necessary to pay all remaining debts when it makes its final  
4 report under RCW 42.17.065.

5 (29) "Writing" means handwriting, typewriting, printing,  
6 photostating, photographing, and every other means of recording any  
7 form of communication or representation, including letters, words,  
8 pictures, sounds, or symbols, or combination thereof, and all papers,  
9 maps, magnetic or paper tapes, photographic films and prints, magnetic  
10 or punched cards, discs, drums, and other documents.

11 As used in this chapter, the singular shall take the plural and any  
12 gender, the other, as the context requires.

13 **Sec. 2.** RCW 42.30.020 and 1985 c 366 s 1 are each amended to read  
14 as follows:

15 As used in this chapter unless the context indicates otherwise:

16 (1) "Public agency" means:

17 (a)(i) Any state board, commission, committee, department,  
18 educational institution, or other state agency which is created by or  
19 pursuant to statute, other than courts (~~(and the legislature)~~); and

20 (ii) The state legislature and its standing, ad hoc, and conference  
21 committees, other than party caucus meetings;

22 (b) Any county, city, school district, special purpose district, or  
23 other municipal corporation or political subdivision of the state of  
24 Washington;

25 (c) Any subagency of a public agency which is created by or  
26 pursuant to statute, ordinance, or other legislative act, including but  
27 not limited to planning commissions, library or park boards,  
28 commissions, and agencies;



1 (d) Any policy group whose membership includes representatives of  
2 publicly owned utilities formed by or pursuant to the laws of this  
3 state when meeting together as or on behalf of participants who have  
4 contracted for the output of generating plants being planned or built  
5 by an operating agency.

6 (2) "Governing body" means the multimember board, commission,  
7 committee, council, or other policy or rule-making body of a public  
8 agency, or any committee thereof when the committee acts on behalf of  
9 the governing body, conducts hearings, or takes testimony or public  
10 comment.

11 (3) "Action" means the transaction of the official business of a  
12 public agency by a governing body including but not limited to receipt  
13 of public testimony, deliberations, discussions, considerations,  
14 reviews, evaluations, and final actions. "Final action" means a  
15 collective positive or negative decision, or an actual vote by a  
16 majority of the members of a governing body when sitting as a body or  
17 entity, upon a motion, proposal, resolution, order, or ordinance.

18 (4) "Meeting" means meetings at which action is taken.

19 **Sec. 3.** RCW 49.60.040 and 1985 c 203 s 2 and 1985 c 185 s 2 are  
20 each reenacted and amended to read as follows:

21 As used in this chapter:

22 "Person" includes one or more individuals, partnerships,  
23 associations, organizations, corporations, cooperatives, legal  
24 representatives, trustees and receivers, or any group of persons; it  
25 includes any owner, lessee, proprietor, manager, agent, or employee,  
26 whether one or more natural persons; and further includes any political  
27 or civil subdivisions of the state, the state legislature, and any  
28 agency or instrumentality of the state or of any political or civil  
29 subdivision thereof;

1 "Commission" means the Washington state human rights commission;

2 "Employer" includes any person acting in the interest of an  
3 employer, directly or indirectly, who employs eight or more persons,  
4 and does not include any religious or sectarian organization not  
5 organized for private profit;

6 "Employee" does not include any individual employed by his or her  
7 parents, spouse, or child, or in the domestic service of any person;

8 "Labor organization" includes any organization which exists for the  
9 purpose, in whole or in part, of dealing with employers concerning  
10 grievances or terms or conditions of employment, or for other mutual  
11 aid or protection in connection with employment;

12 "Employment agency" includes any person undertaking with or without  
13 compensation to recruit, procure, refer, or place employees for an  
14 employer;

15 "National origin" includes "ancestry";

16 "Full enjoyment of" includes the right to purchase any service,  
17 commodity, or article of personal property offered or sold on, or by,  
18 any establishment to the public, and the admission of any person to  
19 accommodations, advantages, facilities, or privileges of any place of  
20 public resort, accommodation, assemblage, or amusement, without acts  
21 directly or indirectly causing persons of any particular race, creed,  
22 color, sex, or with any sensory, mental, or physical handicap, or a  
23 blind or deaf person using a trained dog guide, to be treated as not  
24 welcome, accepted, desired, or solicited;

25 "Any place of public resort, accommodation, assemblage, or  
26 amusement" includes, but is not limited to, any place, licensed or  
27 unlicensed, kept for gain, hire, or reward, or where charges are made  
28 for admission, service, occupancy, or use of any property or  
29 facilities, whether conducted for the entertainment, housing, or  
30 lodging of transient guests, or for the benefit, use, or accommodation

1 of those seeking health, recreation, or rest, or for the burial or  
2 other disposition of human remains, or for the sale of goods,  
3 merchandise, services, or personal property, or for the rendering of  
4 personal services, or for public conveyance or transportation on land,  
5 water, or in the air, including the stations and terminals thereof and  
6 the garaging of vehicles, or where food or beverages of any kind are  
7 sold for consumption on the premises, or where public amusement,  
8 entertainment, sports, or recreation of any kind is offered with or  
9 without charge, or where medical service or care is made available, or  
10 where the public gathers, congregates, or assembles for amusement,  
11 recreation, or public purposes, or public halls, public elevators, and  
12 public washrooms of buildings and structures occupied by two or more  
13 tenants, or by the owner and one or more tenants, or any public library  
14 or educational institution, or schools of special instruction, or  
15 nursery schools, or day care centers or children's camps: PROVIDED,  
16 That nothing contained in this definition shall be construed to include  
17 or apply to any institute, bona fide club, or place of accommodation,  
18 which is by its nature distinctly private, including fraternal  
19 organizations, though where public use is permitted that use shall be  
20 covered by this chapter; nor shall anything contained in this  
21 definition apply to any educational facility, columbarium, crematory,  
22 mausoleum, or cemetery operated or maintained by a bona fide religious  
23 or sectarian institution;

24 "Real property" includes buildings, structures, real estate, lands,  
25 tenements, leaseholds, interests in real estate cooperatives,  
26 condominiums, and hereditaments, corporeal and incorporeal, or any  
27 interest therein;

28 "Real estate transaction" includes the sale, exchange, purchase,  
29 rental, or lease of real property;

30 "Sex" means gender.

1 "Credit transaction" includes any open or closed end credit  
2 transaction, whether in the nature of a loan, retail installment  
3 transaction, credit card issue or charge, or otherwise, and whether for  
4 personal or for business purposes, in which a service, finance, or  
5 interest charge is imposed, or which provides for repayment in  
6 scheduled payments, when such credit is extended in the regular course  
7 of any trade or commerce, including but not limited to transactions by  
8 banks, savings and loan associations or other financial lending  
9 institutions of whatever nature, stock brokers, or by a merchant or  
10 mercantile establishment which as part of its ordinary business permits  
11 or provides that payment for purchases of property or service therefrom  
12 may be deferred.

13 **Sec. 4.** RCW 43.06.092 and 1981 c 338 s 2 are each amended to read  
14 as follows:

15 (1) Any gubernatorial appointee subject to senate confirmation  
16 (~~((shall continue to))~~) may not serve (~~((unless rejected))~~) in the  
17 appointed position until confirmed by a vote of the senate. An  
18 appointee who is rejected by a vote of the senate shall not be  
19 reappointed to the same position for a period of one year from  
20 termination of service.

21 (2) Any person appointed by the governor to fill the unexpired term  
22 of an appointment subject to senate confirmation must also be confirmed  
23 by the senate.

24 **Sec. 5.** RCW 43.88.080 and 1973 1st ex.s. c 100 s 5 are each  
25 amended to read as follows:

26 (1) Adoption of the omnibus appropriation bill or bills by the  
27 legislature shall constitute adoption of the budget and the making of  
28 appropriations therefor. A budget for state government shall be

1 finally adopted not later than thirty calendar days prior to the  
2 beginning of the ensuing biennium.

3 (2) For each day that the budget is not adopted beyond the date  
4 specified in subsection (1) of this section, each state representative  
5 and state senator shall be subject to a civil penalty equal to the  
6 member's per diem and one three hundred sixty-fifth of his or her  
7 annual salary, and the governor shall be subject to a civil penalty  
8 equal to one three hundred sixty-fifth of his or her annual salary.  
9 Such civil penalty may not be paid out of any state fund or account.

10 **Sec. 6.** RCW 43.88.160 and 1991 c 358 s 4 are each amended to read  
11 as follows:

12 This section sets forth the major fiscal duties and  
13 responsibilities of officers and agencies of the executive branch. The  
14 regulations issued by the governor pursuant to this chapter shall  
15 provide for a comprehensive, orderly basis for fiscal management and  
16 control, including efficient accounting and reporting therefor, for the  
17 executive branch of the state government and may include, in addition,  
18 such requirements as will generally promote more efficient public  
19 management in the state.

20 (1) Governor; director of financial management. The governor,  
21 through the director of financial management, shall devise and  
22 supervise a modern and complete accounting system for each agency to  
23 the end that all revenues, expenditures, receipts, disbursements,  
24 resources, and obligations of the state shall be properly and  
25 systematically accounted for. The accounting system shall include the  
26 development of accurate, timely records and reports of all financial  
27 affairs of the state. The system shall also provide for central  
28 accounts in the office of financial management at the level of detail  
29 deemed necessary by the director to perform central financial

1 management. The director of financial management shall adopt and  
2 periodically update an accounting procedures manual. Any agency  
3 maintaining its own accounting and reporting system shall comply with  
4 the updated accounting procedures manual and the rules of the director  
5 adopted under this chapter. An agency may receive a waiver from  
6 complying with this requirement if the waiver is approved by the  
7 director. Waivers expire at the end of the fiscal biennium for which  
8 they are granted. The director shall forward notice of waivers granted  
9 to the appropriate legislative fiscal committees. The director of  
10 financial management may require such financial, statistical, and other  
11 reports as the director deems necessary from all agencies covering any  
12 period.

13 (2) The director of financial management is responsible for  
14 quarterly reporting of primary operating budget drivers such as  
15 applicable workloads, caseload estimates, and appropriate unit cost  
16 data. These reports shall be transmitted to the legislative fiscal  
17 committees or by electronic means to the legislative evaluation and  
18 accountability program committee. Quarterly reports shall include  
19 actual monthly data and the variance between actual and estimated data  
20 to date. The reports shall also include estimates of these items for  
21 the remainder of the budget period.

22 (3) The director of financial management shall report at least  
23 annually to the appropriate legislative committees regarding the status  
24 of all appropriated capital projects, including transportation  
25 projects, showing significant cost overruns or underruns. If funds are  
26 shifted from one project to another, the office of financial management  
27 shall also reflect this in the annual variance report. Once a project  
28 is complete, the report shall provide a final summary showing estimated  
29 start and completion dates of each project phase compared to actual  
30 dates, estimated costs of each project phase compared to actual costs,

1 and whether or not there are any outstanding liabilities or unsettled  
2 claims at the time of completion.

3 (4) In addition, the director of financial management, as agent of  
4 the governor, shall:

5 (a) Make surveys and analyses of agencies with the object of  
6 determining better methods and increased effectiveness in the use of  
7 manpower and materials; and the director shall authorize expenditures  
8 for employee training to the end that the state may benefit from  
9 training facilities made available to state employees;

10 (b) Report to the governor with regard to duplication of effort or  
11 lack of coordination among agencies;

12 (c) Review any pay and classification plans, and changes  
13 thereunder, developed by any agency for their fiscal impact: PROVIDED,  
14 That none of the provisions of this subsection shall affect merit  
15 systems of personnel management now existing or hereafter established  
16 by statute relating to the fixing of qualifications requirements for  
17 recruitment, appointment, or promotion of employees of any agency. The  
18 director shall advise and confer with agencies including appropriate  
19 standing committees of the legislature as may be designated by the  
20 speaker of the house and the president of the senate regarding the  
21 fiscal impact of such plans and may amend or alter said plans, except  
22 that for the following agencies no amendment or alteration of said  
23 plans may be made without the approval of the agency concerned:  
24 Agencies headed by elective officials;

25 (d) Fix the number and classes of positions or authorized man years  
26 of employment for each agency and during the fiscal period amend the  
27 determinations previously fixed by the director except that the  
28 director shall not be empowered to fix said number or said classes for  
29 the following: Agencies headed by elective officials;

1 (e) Provide for transfers and repayments between the budget  
2 stabilization account and the general fund as directed by appropriation  
3 and RCW 43.88.525 through 43.88.540;

4 (f) Promulgate regulations to effectuate provisions contained in  
5 subsections (a) through (e) hereof.

6 (5) The treasurer shall:

7 (a) Receive, keep, and disburse all public funds of the state not  
8 expressly required by law to be received, kept, and disbursed by some  
9 other persons: PROVIDED, That this subsection shall not apply to those  
10 public funds of the institutions of higher learning which are not  
11 subject to appropriation;

12 (b) Disburse public funds under the treasurer's supervision or  
13 custody by warrant or check;

14 (c) Keep a correct and current account of all moneys received and  
15 disbursed by the treasurer, classified by fund or account;

16 (d) Perform such other duties as may be required by law or by  
17 regulations issued pursuant to this law.

18 It shall be unlawful for the treasurer to issue any warrant or  
19 check for public funds in the treasury except upon forms duly  
20 prescribed by the director of financial management. Said forms shall  
21 provide for authentication and certification by the agency head or the  
22 agency head's designee that the services have been rendered or the  
23 materials have been furnished; or, in the case of loans or grants, that  
24 the loans or grants are authorized by law; or, in the case of payments  
25 for periodic maintenance services to be performed on state owned  
26 equipment, that a written contract for such periodic maintenance  
27 services is currently in effect and copies thereof are on file with the  
28 office of financial management; and the treasurer shall not be liable  
29 under the treasurer's surety bond for erroneous or improper payments so  
30 made: PROVIDED, That when services are lawfully paid for in advance of



1 full performance by any private individual or business entity other  
2 than as provided for by RCW 42.24.035, such individual or entity other  
3 than central stores rendering such services shall make a cash deposit  
4 or furnish surety bond coverage to the state as shall be fixed in an  
5 amount by law, or if not fixed by law, then in such amounts as shall be  
6 fixed by the director of the department of general administration but  
7 in no case shall such required cash deposit or surety bond be less than  
8 an amount which will fully indemnify the state against any and all  
9 losses on account of breach of promise to fully perform such services:  
10 AND PROVIDED FURTHER, That no payments shall be made in advance for any  
11 equipment maintenance services to be performed more than three months  
12 after such payment. Any such bond so furnished shall be conditioned  
13 that the person, firm or corporation receiving the advance payment will  
14 apply it toward performance of the contract. The responsibility for  
15 recovery of erroneous or improper payments made under this section  
16 shall lie with the agency head or the agency head's designee in  
17 accordance with regulations issued pursuant to this chapter. Nothing  
18 in this section shall be construed to permit a public body to advance  
19 funds to a private service provider pursuant to a grant or loan before  
20 services have been rendered or material furnished.

21 (6) The state auditor shall:

22 (a) Report to the legislature the results of current post audits  
23 that have been made of the financial transactions of each agency; to  
24 this end the auditor may, in the auditor's discretion, examine the  
25 books and accounts of any agency, official or employee charged with the  
26 receipt, custody or safekeeping of public funds. The current post  
27 audit of each agency may include a section on recommendations to the  
28 legislature as provided in (c) of this subsection.

29 (b) Give information to the legislature, whenever required, upon  
30 any subject relating to the financial affairs of the state.

1 (c) Make the auditor's official report on or before the thirty-  
2 first of December which precedes the meeting of the legislature. The  
3 report shall be for the last complete fiscal period and shall include  
4 at least ~~((the following:))~~ determinations as to whether agencies, in  
5 making expenditures, complied with the laws of this state(~~(: PROVIDED,~~  
6 ~~That nothing in this section may be construed to grant))~~). The state  
7 auditor ~~((the right to))~~ may perform performance audits. A performance  
8 audit for the purpose of this section is the examination of the  
9 effectiveness of the administration, its efficiency, and its adequacy  
10 in terms of the programs of departments or agencies as previously  
11 approved by the legislature. The authority and responsibility to  
12 conduct such an examination shall also be vested in the legislative  
13 budget committee as prescribed in RCW 44.28.085.

14 (d) Be empowered to take exception to specific expenditures that  
15 have been incurred by any agency or to take exception to other  
16 practices related in any way to the agency's financial transactions and  
17 to cause such exceptions to be made a matter of public record,  
18 including disclosure to the agency concerned and to the director of  
19 financial management. It shall be the duty of the director of  
20 financial management to cause corrective action to be taken promptly,  
21 such action to include, as appropriate, the withholding of funds as  
22 provided in RCW 43.88.110.

23 (e) Promptly report any irregularities to the attorney general.

24 (7) The legislative budget committee may:

25 (a) Make post audits of the financial transactions of any agency  
26 and management surveys and program reviews as provided for in RCW  
27 44.28.085. To this end the committee may in its discretion examine the  
28 books, accounts, and other records of any agency, official, or  
29 employee.

1 (b) Give information to the legislature or any legislative  
2 committee whenever required upon any subject relating to the  
3 performance and management of state agencies.

4 (c) Make a report to the legislature which shall include at least  
5 the following:

6 (i) Determinations as to the extent to which agencies in making  
7 expenditures have complied with the will of the legislature and in this  
8 connection, may take exception to specific expenditures or financial  
9 practices of any agencies; and

10 (ii) Such plans as it deems expedient for the support of the  
11 state's credit, for lessening expenditures, for promoting frugality and  
12 economy in agency affairs and generally for an improved level of fiscal  
13 management.

14 **Sec. 7.** RCW 42.18.221 and 1989 c 96 s 6 are each amended to read  
15 as follows:

16 (1) No former state employee may at any time subsequent to his or  
17 her state employment assist another person, whether or not for  
18 compensation, in any transaction involving the state in which the  
19 former state employee at any time participated during state employment.  
20 This subsection shall not be construed to prohibit any employee or  
21 officer of a state employee organization from rendering assistance to  
22 state employees in the course of employee organization business.

23 (2) No former state employee may share in any compensation received  
24 by another person for assistance that the former state employee is  
25 prohibited from rendering under subsection (1) of this section. This  
26 subsection shall not apply to former state employees who were required  
27 by statute to have been active members of the state bar association and  
28 subject to the code of professional responsibility.

1 (3) No former state employee may, within a period of one year from  
2 the date of termination of state employment, accept employment or  
3 receive compensation from any private business if (a) the state  
4 employee, during the two years immediately preceding termination of  
5 state employment, was engaged in the negotiation or administration on  
6 behalf of the state or agency, or provided substantial professional  
7 advice in the negotiation or administration of such a contract while  
8 employed by the state, of one or more contracts with that private  
9 business and was in a position to make discretionary decisions  
10 affecting the outcome of such negotiation or the nature of such  
11 administration, and (b) ~~((such a contract or contracts have a total~~  
12 ~~value of more than ten thousand dollars, and (c))~~) the duties of the  
13 employment by the private business or the activities for which the  
14 compensation would be received from the private business include  
15 fulfilling or implementing, in whole or in part, the provisions of such  
16 a contract or contracts or include the supervision or control of  
17 actions taken to fulfill or implement, in whole or in part, the  
18 provisions of such a contract or contracts. This subsection shall not  
19 be construed to prevent a state employee from accepting employment with  
20 a state employee organization.

21 (4) No former state employee may accept an offer of employment or  
22 receive compensation from any private business if the state employee  
23 knows or has reason to believe that the offer of employment or  
24 compensation was intended, in whole or in part, directly or indirectly,  
25 as compensation or reward for the performance or nonperformance of a  
26 duty by the state employee during the course of state employment.

27 (5) For the purposes of this section, the term "private business"  
28 includes any natural person, partnership, association, or corporation  
29 of any kind or description that is engaged in business activity in this  
30 state or elsewhere. If any natural person, closely associated or

1 related group of natural persons, partnership, or corporation owns or  
2 controls two or more businesses, all of the businesses owned or  
3 controlled shall be defined as a single private business for the  
4 purposes of this section. The term "private business," for purposes of  
5 this section, does not include a "successor organization" as defined  
6 under RCW 27.26.010.

7 (6) This section shall not be construed to prevent a former state  
8 employee from rendering assistance to others if the assistance is  
9 provided without compensation in any form and is limited to one or more  
10 of the following:

11 (a) Providing the names, addresses, and telephone numbers of state  
12 agencies or state employees;

13 (b) Providing free transportation to another for the purpose of  
14 conducting business with a state agency;

15 (c) Assisting a natural person or nonprofit corporation in  
16 obtaining or completing application forms or other forms required by a  
17 state agency for the conduct of a state business; or

18 (d) Providing assistance to the poor and infirm.

19 (7) The permitted exceptions applicable to state employees under  
20 RCW 42.18.180 shall also be applicable to former state employees under  
21 this section, subject to conditions or limitations set forth in  
22 regulations issued pursuant to RCW 42.18.240.

23 (8) A violation of this section is punishable as a gross  
24 misdemeanor according to chapter 9A.20 RCW.

25 **Sec. 8.** RCW 42.18.290 and 1973 c 137 s 2 are each amended to read  
26 as follows:

27 In addition to any criminal penalties, the attorney general of the  
28 state of Washington may bring a civil action in the superior court of  
29 the county in which the violation was alleged to have occurred against

1 any state employee, former state employee or other person who shall  
2 have violated or knowingly assisted any other person in violating any  
3 provision of this chapter and in such action may recover the following  
4 damages on behalf of the state of Washington: (1) From each such  
5 person a civil penalty of either five hundred dollars or an amount not  
6 exceeding three times the amount of the economic value of anything  
7 received or sought in violation of this ~~((1973 amendatory act))~~  
8 chapter; and (2) any damages sustained by the state, which are caused  
9 by the conduct constituting the violation.

10 **Sec. 9.** RCW 29.15.170 and 1975-'76 2nd ex.s. c 120 s 10 are each  
11 amended to read as follows:

12 Filings for a nonpartisan office shall be reopened for a period of  
13 three normal business days, such three day period to be fixed by the  
14 election officer with whom such declarations of candidacy are filed and  
15 notice thereof given by notifying press, radio, and television in the  
16 county and by such other means as may now or hereafter be provided by  
17 law whenever before the fourth Tuesday prior to a primary:

18 (1) A void in candidacy occurs;

19 (2) A vacancy occurs in any nonpartisan office leaving an unexpired  
20 term to be filled by an election for which filings have not been held;  
21 ~~((or))~~

22 (3) A nominee for judge of the superior court entitled to a  
23 certificate of election pursuant to Article 4, section 29, Amendment 41  
24 of the state Constitution, dies or is disqualified; or

25 (4) An incumbent who has filed for reelection withdraws pursuant to  
26 RCW 29.15.120, and all other remaining candidates for that office are  
27 members of the incumbent's immediate family or are employed by or are  
28 business associates with the incumbent.

1 Candidacies validly filed within said three-day period shall appear  
2 on the ballot as if made during the earlier filing period.

3 **Sec. 10.** RCW 29.15.230 and 1981 c 180 s 2 are each amended to read  
4 as follows:

5 Filings for a partisan elective office shall be opened for a period  
6 of three normal business days whenever, on or after the first day of  
7 the regular filing period and before the fourth Tuesday prior to a  
8 primary, a vacancy occurs in that office, leaving an unexpired term to  
9 be filled by an election for which filings have not been held, or an  
10 incumbent who has filed for reelection withdraws pursuant to RCW  
11 29.15.120, and all other remaining candidates for that office are  
12 members of the incumbent's immediate family or are employed by or are  
13 business associates with the incumbent.

14 Any such special three-day filing period shall be fixed by the  
15 election officer with whom declarations of candidacy for that office  
16 are filed. The election officer shall give notice of the special  
17 three-day filing period by notifying the press, radio, and television  
18 in the county or counties involved, and by such other means as may be  
19 required by law.

20 Candidacies validly filed within the special three-day filing  
21 period shall appear on the primary ballot as if filed during the  
22 regular filing period.

23 NEW SECTION. **Sec. 11.** A task force is established to examine  
24 the practices and institutions of the legislature. The task force  
25 shall be made up of fifteen people, five appointed by the governor,  
26 five appointed by the president of the senate, and five appointed by  
27 the speaker of the house of representatives. For each group of five  
28 appointees, no more than three may be from the same political party and

1 no more than one may be a former member or former employee of the  
2 legislature. No present member or employee of the legislature may be  
3 appointed to the task force. Each appointer shall make appointments to  
4 the task force based on the appointee's background and interest in  
5 governance issues and political reform; and the appointments shall  
6 fairly represent the demographics of the state.

7 The task force shall adopt its own rules and select a chair from  
8 among its membership. Nonlegislative members of the task force shall  
9 receive a per diem allowance and reimbursement for travel expenses  
10 pursuant to RCW 43.03.050 and 43.03.060, but shall receive no  
11 compensation.

12 The task force shall report its findings and any recommendations to  
13 the legislature by January 1, 1993.

14 NEW SECTION. **Sec. 12.** The sum of fifty thousand dollars, or as  
15 much thereof as may be necessary, is appropriated for the biennium  
16 ending June 30, 1993, from the general fund to the task force created  
17 in section 11 of this act for the purposes of funding the activities of  
18 the task force.

19 NEW SECTION. **Sec. 13.** RCW 43.06.094 and 1981 c 338 s 1 are  
20 each repealed.

21 NEW SECTION. **Sec. 14.** Sections 9 and 10 of this act shall take  
22 effect July 1, 1992.