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**SUBSTITUTE SENATE BILL 5087**

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**State of Washington**

**58th Legislature**

**2003 Regular Session**

**By** Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senators Honeyford, Rasmussen, Hewitt, Deccio, Hale, Mulliken, Sheahan, Parlette, Morton and T. Sheldon)

READ FIRST TIME 02/21/03.

1           AN ACT Relating to creating eastern and western Washington water  
2 commissioners; amending RCW 29.15.030, 29.21.070, 29.30.020, 29.30.085,  
3 29.81.220, 42.17.020, 43.01.010, 43.01.020, 43.03.010, and 43.17.320;  
4 and adding a new chapter to Title 90 RCW.

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

6           NEW SECTION. **Sec. 1.** The legislature finds that there is a  
7 critical need to provide for two regional elective officers, an eastern  
8 Washington water commissioner and a western Washington water  
9 commissioner, to administer Washington's water resource laws.

10           The legislature further finds that there is a growing necessity to  
11 provide for the increasing needs of the state and its citizens for  
12 water for industrial, agricultural, residential, social, economic,  
13 recreational, environmental, and other needs and to plan, coordinate,  
14 restore, and regulate the use of our water resources.

15           The offices of eastern Washington water commissioner and western  
16 Washington water commissioner created by this chapter must initially be  
17 funded entirely from appropriations made to the department of ecology  
18 for carrying out the powers, functions, and duties that are transferred  
19 to the commissioners pursuant to section 5 of this act.

1        NEW SECTION.    **Sec. 2.** The definitions in this section apply  
2 throughout this chapter unless the context clearly requires otherwise.

3        (1) "Commissioners" means the eastern Washington water commissioner  
4 and the western Washington water commissioner, or, when used in the  
5 singular, either the eastern Washington water commissioner or the  
6 western Washington water commissioner.

7        (2) "Public interest" means all uses of the water resources of the  
8 state and its impact on the state of Washington and its citizens,  
9 including use of water for domestic, industrial, commercial,  
10 agricultural, irrigation, hydroelectric power production, mining,  
11 thermal power production, recreation, and preservation of environmental  
12 values and all other uses compatible with enjoyment of the public  
13 waters of the state.

14        NEW SECTION.    **Sec. 3.** There are created two offices of state  
15 government to be known as the eastern Washington water commissioner and  
16 the western Washington water commissioner. Each commissioner has the  
17 following powers, duties, and functions concerning water resources  
18 within the region that the commissioner serves:

19        (1) Supervising public waters and their appropriation, diversion,  
20 and use, and the various officers and employees of the state connected  
21 therewith;

22        (2) Supervising the construction and inspection of all water works  
23 to reasonably secure safety to life and property;

24        (3) Determining the discharge of streams and springs and other  
25 sources of water supply, and the capacities of lakes and of reservoirs  
26 whose waters are being or may be utilized for beneficial purposes;

27        (4) Providing assistance to applicants for a water right in  
28 obtaining or developing an adequate and appropriate supply of water  
29 consistent with the land use permitted for the area in which the water  
30 is to be used and the population forecast for the area under RCW  
31 43.62.035;

32        (5) Maintaining records necessary for the recording of financial  
33 transactions and related statistical data;

34        (6) Making written reports of their work to the governor and the  
35 legislature with recommendations for legislation the commissioners deem  
36 advisable;

1 (7) Exercising all the powers and duties prescribed by law with  
2 respect to flood control;

3 (8) Adopting rules for the administration of Washington water  
4 resource laws;

5 (9) Supervising Washington water resource laws to ensure that the  
6 administration of the laws and the use and conservation of water  
7 resources benefits the public interest; and

8 (10) Performing other duties as may be prescribed by law.

9 NEW SECTION. **Sec. 4.** (1) Each commissioner created in section 3  
10 of this act must be a registered voter and resident of the region that  
11 the commissioner serves. Each commissioner must be elected at the time  
12 and in the manner that other state officers are elected.

13 (2) The eastern Washington water commissioner must be elected from  
14 and serve that region of the state encompassing Adams, Asotin, Benton,  
15 Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas,  
16 Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla  
17 Walla, Whitman, and Yakima Counties.

18 (3) The western Washington water commissioner must be elected from  
19 and serve that region of the state encompassing Clallam, Clark,  
20 Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason,  
21 Pacific, Pierce, San Juan, Skagit, Skamania, Snohomish, Thurston,  
22 Wahkiakum, and Whatcom Counties.

23 (4) Each commissioner shall serve four-year terms commencing on the  
24 Wednesday after the second Monday of January following their election.

25 NEW SECTION. **Sec. 5.** (1) All powers, duties, and functions of the  
26 department of ecology pertaining to those powers and duties set out in  
27 section 3 of this act are transferred to the eastern Washington water  
28 commissioner and western Washington water commissioner. All references  
29 to the director or the department of ecology in the Revised Code of  
30 Washington shall be construed to mean the commissioners when referring  
31 to the functions transferred in this section.

32 (2)(a) All reports, documents, surveys, books, records, files,  
33 papers, or written material in the possession of the department of  
34 ecology pertaining to the powers, functions, and duties transferred  
35 shall be delivered to the custody of the commissioners. All cabinets,  
36 furniture, office equipment, motor vehicles, and other tangible

1 property employed by the department of ecology in carrying out the  
2 powers, functions, and duties transferred shall be made available to  
3 the commissioners. All funds, credits, or other assets held in  
4 connection with the powers, functions, and duties transferred shall be  
5 assigned to the commissioners.

6 (b) Any appropriations made to the department of ecology for  
7 carrying out the powers, functions, and duties transferred shall, on  
8 the effective date of this section, be transferred and credited to the  
9 commissioners.

10 (c) Whenever any question arises as to the transfer of any  
11 personnel, funds, books, documents, records, papers, files, equipment,  
12 or other tangible property used or held in the exercise of the powers  
13 and the performance of the duties and functions transferred, the  
14 director of financial management shall make a determination as to the  
15 proper allocation and certify the same to the state agencies concerned.

16 (3) All employees of the department of ecology engaged in  
17 performing the powers, functions, and duties transferred are  
18 transferred to the jurisdiction of the commissioners. All employees  
19 classified under chapter 41.06 RCW, the state civil service law, are  
20 assigned to the commissioners to perform their usual duties upon the  
21 same terms as formerly, without any loss of rights, subject to any  
22 action that may be appropriate thereafter in accordance with the laws  
23 and rules governing state civil service.

24 (4) All rules and all pending business before the department of  
25 ecology pertaining to the powers, functions, and duties transferred  
26 shall be continued and acted upon by the commissioners. All existing  
27 contracts and obligations shall remain in full force and shall be  
28 performed by the commissioners.

29 (5) The transfer of the powers, duties, functions, and personnel of  
30 the department of ecology shall not affect the validity of any act  
31 performed before the effective date of this section.

32 (6) If apportionments of budgeted funds are required because of the  
33 transfers directed by this section, the director of financial  
34 management shall certify the apportionments to the agencies affected,  
35 the state auditor, and the state treasurer. Each of these shall make  
36 the appropriate transfer and adjustments in funds and appropriation  
37 accounts and equipment records in accordance with the certification.

1 (7) Nothing contained in this section may be construed to alter any  
2 existing collective bargaining unit or the provisions of any existing  
3 collective bargaining agreement until the agreement has expired or  
4 until the bargaining unit has been modified by action of the personnel  
5 resources board as provided by law.

6 **Sec. 6.** RCW 29.15.030 and 2002 c 140 s 4 are each amended to read  
7 as follows:

8 Declarations of candidacy shall be filed with the following filing  
9 officers:

10 (1) The secretary of state for declarations of candidacy for  
11 statewide offices, United States senate, and United States house of  
12 representatives;

13 (2) The secretary of state for declarations of candidacy for  
14 eastern Washington water commissioner, western Washington water  
15 commissioner, the state legislature, the court of appeals, and the  
16 superior court when voters from a district comprising more than one  
17 county vote upon the candidates;

18 (3) The county auditor for all other offices. For any nonpartisan  
19 office, other than eastern Washington water commissioner, western  
20 Washington water commissioner, judicial offices, and school director in  
21 joint districts, where voters from a district comprising more than one  
22 county vote upon the candidates, a declaration of candidacy shall be  
23 filed with the county auditor of the county in which a majority of the  
24 registered voters of the district reside. For school directors in  
25 joint school districts, the declaration of candidacy shall be filed  
26 with the county auditor of the county designated by the state board of  
27 education as the county to which the joint school district is  
28 considered as belonging under RCW 28A.323.040.

29 Each official with whom declarations of candidacy are filed under  
30 this section, within one business day following the closing of the  
31 applicable filing period, shall transmit to the public disclosure  
32 commission the information required in RCW 29.15.010 (1) through (4)  
33 for each declaration of candidacy filed in his or her office during  
34 such filing period or a list containing the name of each candidate who  
35 files such a declaration in his or her office during such filing period  
36 together with a precise identification of the position sought by each  
37 such candidate and the date on which each such declaration was filed.

1 Such official, within three days following his or her receipt of any  
2 letter withdrawing a person's name as a candidate, shall also forward  
3 a copy of such withdrawal letter to the public disclosure commission.

4 **Sec. 7.** RCW 29.21.070 and 1990 c 59 s 91 are each amended to read  
5 as follows:

6 The offices of superintendent of public instruction, eastern  
7 Washington water commissioner, western Washington water commissioner,  
8 justice of the supreme court, judge of the court of appeals, judge of  
9 the superior court, and judge of the district court shall be  
10 nonpartisan and the candidates therefor shall be nominated and elected  
11 as such.

12 All city, town, and special purpose district elective offices shall  
13 be nonpartisan and the candidates therefor shall be nominated and  
14 elected as such.

15 **Sec. 8.** RCW 29.30.020 and 2001 c 30 s 5 are each amended to read  
16 as follows:

17 (1) The positions or offices on a primary ballot shall be arranged  
18 in substantially the following order: United States senator; United  
19 States representative; governor; lieutenant governor; secretary of  
20 state; state treasurer; state auditor; attorney general; commissioner  
21 of public lands; superintendent of public instruction; insurance  
22 commissioner; eastern Washington water commissioner, western  
23 Washington water commissioner; state senator; state representative;  
24 county officers; justices of the supreme court; judges of the court of  
25 appeals; judges of the superior court; and judges of the district  
26 court. For all other jurisdictions on the primary ballot, the offices  
27 in each jurisdiction shall be grouped together and be in the order of  
28 the position numbers assigned to those offices, if any.

29 (2) The order of the positions or offices on an election ballot  
30 shall be substantially the same as on a primary ballot except that the  
31 offices of president and vice president of the United States shall  
32 precede all other offices on a presidential election ballot. State  
33 ballot issues shall be placed before all offices on an election ballot.  
34 The positions on a ballot to be assigned to ballot measures regarding  
35 local units of government shall be established by the secretary of  
36 state by rule.

1 (3) The political party or independent candidacy of each candidate  
2 for partisan office shall be indicated next to the name of the  
3 candidate on the primary and election ballot. A candidate shall file  
4 a written notice with the filing officer within three business days  
5 after the close of the filing period designating the political party to  
6 be indicated next to the candidate's name on the ballot if either: (a)  
7 The candidate has been nominated by two or more minor political parties  
8 or independent conventions; or (b) the candidate has both filed a  
9 declaration of candidacy declaring an affiliation with a major  
10 political party and been nominated by a minor political party or  
11 independent convention. If no written notice is filed the filing  
12 officer shall give effect to the party designation shown upon the first  
13 document filed. A candidate may be deemed nominated by a minor party  
14 or independent convention only if all documentation required by chapter  
15 29.24 RCW has been timely filed.

16 **Sec. 9.** RCW 29.30.085 and 1992 c 181 s 2 are each amended to read  
17 as follows:

18 (1) Except as provided in RCW 29.30.086 and in subsection (2) of  
19 this section, on the ballot at the general election for a nonpartisan  
20 office for which a primary was held, only the names of the candidate  
21 who received the greatest number of votes and the candidate who  
22 received the next greatest number of votes for that office shall appear  
23 under the title of that office, and the names shall appear in that  
24 order. If a primary was conducted, no candidate's name may be printed  
25 on the subsequent general election ballot unless he or she receives at  
26 least one percent of the total votes cast for that office at the  
27 preceding primary. On the ballot at the general election for any other  
28 nonpartisan office for which no primary was held, the names of the  
29 candidates shall be listed in the order determined under RCW 29.30.025.

30 (2) On the ballot at the general election for the office of justice  
31 of the supreme court, judge of the court of appeals, judge of the  
32 superior court, ~~((or))~~ state superintendent of public instruction,  
33 eastern Washington water commissioner, or western Washington water  
34 commissioner, if a candidate in a contested primary receives a majority  
35 of all the votes cast for that office or position, only the name of  
36 that candidate may be printed under the title of the office for that  
37 position.

1       **Sec. 10.** RCW 29.81.220 and 1999 c 260 s 2 are each amended to read  
2 as follows:

3       The voters' pamphlet must contain:

4       (1) Information about each ballot measure initiated by or referred  
5 to the voters for their approval or rejection as required by RCW  
6 29.81.250;

7       (2) In even-numbered years, statements, if submitted, advocating  
8 the candidacies of nominees for the office of president and vice-  
9 president of the United States, United States senator, United States  
10 representative, governor, lieutenant governor, secretary of state,  
11 state treasurer, state auditor, attorney general, commissioner of  
12 public lands, superintendent of public instruction, insurance  
13 commissioner, eastern Washington water commissioner, western  
14 Washington water commissioner, state senator, state representative,  
15 justice of the supreme court, judge of the court of appeals, or judge  
16 of the superior court. Candidates may also submit a campaign mailing  
17 address and telephone number and a photograph not more than five years  
18 old and of a size and quality that the secretary of state determines to  
19 be suitable for reproduction in the voters' pamphlet;

20       (3) In odd-numbered years, if any office voted upon statewide  
21 appears on the ballot due to a vacancy, then statements and photographs  
22 for candidates for any vacant office listed in subsection (2) of this  
23 section must appear;

24       (4) In even-numbered years, a section explaining how voters may  
25 participate in the election campaign process; the address and telephone  
26 number of the public disclosure commission established under RCW  
27 42.17.350; and a summary of the disclosure requirements that apply when  
28 contributions are made to candidates and political committees;

29       (5) In even-numbered years the name, address, and telephone number  
30 of each political party with nominees listed in the pamphlet, if filed  
31 with the secretary of state by the state committee of a major political  
32 party or the presiding officer of the convention of a minor political  
33 party;

34       (6) In each odd-numbered year immediately before a year in which a  
35 president of the United States is to be nominated and elected,  
36 information explaining the precinct caucus and convention process used  
37 by each major political party to elect delegates to its national  
38 presidential candidate nominating convention. The pamphlet must also



1 provide a description of the statutory procedures by which minor  
2 political parties are formed and the statutory methods used by the  
3 parties to nominate candidates for president;

4 (7) In even-numbered years, a description of the office of precinct  
5 committee officer and its duties;

6 (8) An application form for an absentee ballot;

7 (9) A brief statement explaining the deletion and addition of  
8 language for proposed measures under RCW 29.81.260;

9 (10) Any additional information pertaining to elections as may be  
10 required by law or in the judgment of the secretary of state is deemed  
11 informative to the voters.

12 **Sec. 11.** RCW 42.17.020 and 2002 c 75 s 1 are each amended to read  
13 as follows:

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

21 (2) "Authorized committee" means the political committee authorized  
22 by a candidate, or by the public official against whom recall charges  
23 have been filed, to accept contributions or make expenditures on behalf  
24 of the candidate or public official.

25 (3) "Ballot proposition" means any "measure" as defined by RCW  
26 29.01.110, or any initiative, recall, or referendum proposition  
27 proposed to be submitted to the voters of the state or any municipal  
28 corporation, political subdivision, or other voting constituency from  
29 and after the time when the proposition has been initially filed with  
30 the appropriate election officer of that constituency prior to its  
31 circulation for signatures.

32 (4) "Benefit" means a commercial, proprietary, financial, economic,  
33 or monetary advantage, or the avoidance of a commercial, proprietary,  
34 financial, economic, or monetary disadvantage.

35 (5) "Bona fide political party" means:

36 (a) An organization that has filed a valid certificate of  
37 nomination with the secretary of state under chapter 29.24 RCW;

1 (b) The governing body of the state organization of a major  
2 political party, as defined in RCW 29.01.090, that is the body  
3 authorized by the charter or bylaws of the party to exercise authority  
4 on behalf of the state party; or

5 (c) The county central committee or legislative district committee  
6 of a major political party. There may be only one legislative district  
7 committee for each party in each legislative district.

8 (6) "Depository" means a bank designated by a candidate or  
9 political committee pursuant to RCW 42.17.050.

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

13 (8) "Candidate" means any individual who seeks nomination for  
14 election or election to public office. An individual seeks nomination  
15 or election when he or she first:

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

18 (b) Announces publicly or files for office;

19 (c) Purchases commercial advertising space or broadcast time to  
20 promote his or her candidacy; or

21 (d) Gives his or her consent to another person to take on behalf of  
22 the individual any of the actions in (a) or (c) of this subsection.

23 (9) "Caucus political committee" means a political committee  
24 organized and maintained by the members of a major political party in  
25 the state senate or state house of representatives.

26 (10) "Commercial advertiser" means any person who sells the service  
27 of communicating messages or producing printed material for broadcast  
28 or distribution to the general public or segments of the general public  
29 whether through the use of newspapers, magazines, television and radio  
30 stations, billboard companies, direct mail advertising companies,  
31 printing companies, or otherwise.

32 (11) "Commission" means the agency established under RCW 42.17.350.

33 (12) "Compensation" unless the context requires a narrower meaning,  
34 includes payment in any form for real or personal property or services  
35 of any kind: PROVIDED, That for the purpose of compliance with RCW  
36 42.17.241, the term "compensation" shall not include per diem  
37 allowances or other payments made by a governmental entity to reimburse

1 a public official for expenses incurred while the official is engaged  
2 in the official business of the governmental entity.

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

6 (14)(a) "Contribution" includes:

7 (i) A loan, gift, deposit, subscription, forgiveness of  
8 indebtedness, donation, advance, pledge, payment, transfer of funds  
9 between political committees, or anything of value, including personal  
10 and professional services for less than full consideration;

11 (ii) An expenditure made by a person in cooperation, consultation,  
12 or concert with, or at the request or suggestion of, a candidate, a  
13 political committee, or their agents;

14 (iii) The financing by a person of the dissemination, distribution,  
15 or republication, in whole or in part, of broadcast, written, graphic,  
16 or other form of political advertising prepared by a candidate, a  
17 political committee, or its authorized agent;

18 (iv) Sums paid for tickets to fund-raising events such as dinners  
19 and parties, except for the actual cost of the consumables furnished at  
20 the event.

21 (b) "Contribution" does not include:

22 (i) Standard interest on money deposited in a political committee's  
23 account;

24 (ii) Ordinary home hospitality;

25 (iii) A contribution received by a candidate or political committee  
26 that is returned to the contributor within five business days of the  
27 date on which it is received by the candidate or political committee;

28 (iv) A news item, feature, commentary, or editorial in a regularly  
29 scheduled news medium that is of primary interest to the general  
30 public, that is in a news medium controlled by a person whose business  
31 is that news medium, and that is not controlled by a candidate or a  
32 political committee;

33 (v) An internal political communication primarily limited to the  
34 members of or contributors to a political party organization or  
35 political committee, or to the officers, management staff, or  
36 stockholders of a corporation or similar enterprise, or to the members  
37 of a labor organization or other membership organization;

1 (vi) The rendering of personal services of the sort commonly  
2 performed by volunteer campaign workers, or incidental expenses  
3 personally incurred by volunteer campaign workers not in excess of  
4 fifty dollars personally paid for by the worker. "Volunteer services,"  
5 for the purposes of this section, means services or labor for which the  
6 individual is not compensated by any person;

7 (vii) Messages in the form of reader boards, banners, or yard or  
8 window signs displayed on a person's own property or property occupied  
9 by a person. However, a facility used for such political advertising  
10 for which a rental charge is normally made must be reported as an in-  
11 kind contribution and counts towards any applicable contribution limit  
12 of the person providing the facility;

13 (viii) Legal or accounting services rendered to or on behalf of:

14 (A) A political party or caucus political committee if the person  
15 paying for the services is the regular employer of the person rendering  
16 such services; or

17 (B) A candidate or an authorized committee if the person paying for  
18 the services is the regular employer of the individual rendering the  
19 services and if the services are solely for the purpose of ensuring  
20 compliance with state election or public disclosure laws.

21 (c) Contributions other than money or its equivalent are deemed to  
22 have a monetary value equivalent to the fair market value of the  
23 contribution. Services or property or rights furnished at less than  
24 their fair market value for the purpose of assisting any candidate or  
25 political committee are deemed a contribution. Such a contribution  
26 must be reported as an in-kind contribution at its fair market value  
27 and counts towards any applicable contribution limit of the provider.

28 (15) "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.

31 (16) "Election" includes any primary, general, or special election  
32 for public office and any election in which a ballot proposition is  
33 submitted to the voters: PROVIDED, That an election in which the  
34 qualifications for voting include other than those requirements set  
35 forth in Article VI, section 1 (Amendment 63) of the Constitution of  
36 the state of Washington shall not be considered an election for  
37 purposes of this chapter.

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

4 (18) "Election cycle" means the period beginning on the first day  
5 of December after the date of the last previous general election for  
6 the office that the candidate seeks and ending on November 30th after  
7 the next election for the office. In the case of a special election to  
8 fill a vacancy in an office, "election cycle" means the period  
9 beginning on the day the vacancy occurs and ending on November 30th  
10 after the special election.

11 (19) "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 (20) "Final report" means the report described as a final report in  
26 RCW 42.17.080(2).

27 (21) "General election" for the purposes of RCW 42.17.640 means the  
28 election that results in the election of a person to a state office.  
29 It does not include a primary.

30 (22) "Gift," is as defined in RCW 42.52.010.

31 (23) "Immediate family" includes the spouse, dependent children,  
32 and other dependent relatives, if living in the household. For the  
33 purposes of RCW 42.17.640 through 42.17.790, "immediate family" means  
34 an individual's spouse, and child, stepchild, grandchild, parent,  
35 stepparent, grandparent, brother, half brother, sister, or half sister  
36 of the individual and the spouse of any such person and a child,  
37 stepchild, grandchild, parent, stepparent, grandparent, brother, half

1 brother, sister, or half sister of the individual's spouse and the  
2 spouse of any such person.

3 (24) "Independent expenditure" means an expenditure that has each  
4 of the following elements:

5 (a) It is made in support of or in opposition to a candidate for  
6 office by a person who is not (i) a candidate for that office, (ii) an  
7 authorized committee of that candidate for that office, (iii) a person  
8 who has received the candidate's encouragement or approval to make the  
9 expenditure, if the expenditure pays in whole or in part for political  
10 advertising supporting that candidate or promoting the defeat of any  
11 other candidate or candidates for that office, or (iv) a person with  
12 whom the candidate has collaborated for the purpose of making the  
13 expenditure, if the expenditure pays in whole or in part for political  
14 advertising supporting that candidate or promoting the defeat of any  
15 other candidate or candidates for that office;

16 (b) The expenditure pays in whole or in part for political  
17 advertising that either specifically names the candidate supported or  
18 opposed, or clearly and beyond any doubt identifies the candidate  
19 without using the candidate's name; and

20 (c) The expenditure, alone or in conjunction with another  
21 expenditure or other expenditures of the same person in support of or  
22 opposition to that candidate, has a value of five hundred dollars or  
23 more. A series of expenditures, each of which is under five hundred  
24 dollars, constitutes one independent expenditure if their cumulative  
25 value is five hundred dollars or more.

26 (25)(a) "Intermediary" means an individual who transmits a  
27 contribution to a candidate or committee from another person unless the  
28 contribution is from the individual's employer, immediate family as  
29 defined for purposes of RCW 42.17.640 through 42.17.790, or an  
30 association to which the individual belongs.

31 (b) A treasurer or a candidate is not an intermediary for purposes  
32 of the committee that the treasurer or candidate serves.

33 (c) A professional fund-raiser is not an intermediary if the fund-  
34 raiser is compensated for fund-raising services at the usual and  
35 customary rate.

36 (d) A volunteer hosting a fund-raising event at the individual's  
37 home is not an intermediary for purposes of that event.

1 (26) "Legislation" means bills, resolutions, motions, amendments,  
2 nominations, and other matters pending or proposed in either house of  
3 the state legislature, and includes any other matter that may be the  
4 subject of action by either house or any committee of the legislature  
5 and all bills and resolutions that, having passed both houses, are  
6 pending approval by the governor.

7 (27) "Lobby" and "lobbying" each mean attempting to influence the  
8 passage or defeat of any legislation by the legislature of the state of  
9 Washington, or the adoption or rejection of any rule, standard, rate,  
10 or other legislative enactment of any state agency under the state  
11 Administrative Procedure Act, chapter 34.05 RCW. Neither "lobby" nor  
12 "lobbying" includes an association's or other organization's act of  
13 communicating with the members of that association or organization.

14 (28) "Lobbyist" includes any person who lobbies either in his or  
15 her own or another's behalf.

16 (29) "Lobbyist's employer" means the person or persons by whom a  
17 lobbyist is employed and all persons by whom he or she is compensated  
18 for acting as a lobbyist.

19 (30) "Person" includes an individual, partnership, joint venture,  
20 public or private corporation, association, federal, state, or local  
21 governmental entity or agency however constituted, candidate,  
22 committee, political committee, political party, executive committee  
23 thereof, or any other organization or group of persons, however  
24 organized.

25 (31) "Person in interest" means the person who is the subject of a  
26 record or any representative designated by that person, except that if  
27 that person is under a legal disability, the term "person in interest"  
28 means and includes the parent or duly appointed legal representative.

29 (32) "Political advertising" includes any advertising displays,  
30 newspaper ads, billboards, signs, brochures, articles, tabloids,  
31 flyers, letters, radio or television presentations, or other means of  
32 mass communication, used for the purpose of appealing, directly or  
33 indirectly, for votes or for financial or other support in any election  
34 campaign.

35 (33) "Political committee" means any person (except a candidate or  
36 an individual dealing with his or her own funds or property) having the  
37 expectation of receiving contributions or making expenditures in  
38 support of, or opposition to, any candidate or any ballot proposition.

1 (34) "Primary" for the purposes of RCW 42.17.640 means the  
2 procedure for nominating a candidate to state office under chapter  
3 29.18 or 29.21 RCW or any other primary for an election that uses, in  
4 large measure, the procedures established in chapter 29.18 or 29.21  
5 RCW.

6 (35) "Public office" means any federal, state, county, city, town,  
7 school district, port district, special district, or other state  
8 political subdivision elective office.

9 (36) "Public record" includes any writing containing information  
10 relating to the conduct of government or the performance of any  
11 governmental or proprietary function prepared, owned, used, or retained  
12 by any state or local agency regardless of physical form or  
13 characteristics. For the office of the secretary of the senate and the  
14 office of the chief clerk of the house of representatives, public  
15 records means legislative records as defined in RCW 40.14.100 and also  
16 means the following: All budget and financial records; personnel  
17 leave, travel, and payroll records; records of legislative sessions;  
18 reports submitted to the legislature; and any other record designated  
19 a public record by any official action of the senate or the house of  
20 representatives.

21 (37) "Recall campaign" means the period of time beginning on the  
22 date of the filing of recall charges under RCW 29.82.015 and ending  
23 thirty days after the recall election.

24 (38) "State legislative office" means the office of a member of the  
25 state house of representatives or the office of a member of the state  
26 senate.

27 (39) "State office" means state legislative office or the office of  
28 governor, lieutenant governor, secretary of state, attorney general,  
29 commissioner of public lands, insurance commissioner, superintendent of  
30 public instruction, state auditor, (~~or~~) state treasurer, eastern  
31 Washington water commissioner, or western Washington water  
32 commissioner.

33 (40) "State official" means a person who holds a state office.

34 (41) "Surplus funds" mean, in the case of a political committee or  
35 candidate, the balance of contributions that remain in the possession  
36 or control of that committee or candidate subsequent to the election  
37 for which the contributions were received, and that are in excess of  
38 the amount necessary to pay remaining debts incurred by the committee



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

6 (42) "Writing" means handwriting, typewriting, printing,  
7 photostating, photographing, and every other means of recording any  
8 form of communication or representation, including, but not limited to,  
9 letters, words, pictures, sounds, or symbols, or combination thereof,  
10 and all papers, maps, magnetic or paper tapes, photographic films and  
11 prints, motion picture, film and video recordings, magnetic or punched  
12 cards, discs, drums, diskettes, sound recordings, and other documents  
13 including existing data compilations from which information may be  
14 obtained or translated.

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

17 **Sec. 12.** RCW 43.01.010 and 1965 c 8 s 43.01.010 are each amended  
18 to read as follows:

19 The governor, lieutenant governor, secretary of state, treasurer,  
20 auditor, attorney general, superintendent of public instruction,  
21 commissioner of public lands, (~~and~~) insurance commissioner, eastern  
22 Washington water commissioner, and western Washington water  
23 commissioner, shall hold office for the term of four years, and until  
24 their successors are elected and qualified; and the term shall commence  
25 on the Wednesday after the second Monday of January following their  
26 election.

27 **Sec. 13.** RCW 43.01.020 and 1965 c 8 s 43.01.020 are each amended  
28 to read as follows:

29 The governor, lieutenant governor, secretary of state, treasurer,  
30 auditor, attorney general, superintendent of public instruction,  
31 commissioner of public lands, (~~and~~) insurance commissioner, eastern  
32 Washington water commissioner, and western Washington water  
33 commissioner, shall, before entering upon the duties of their  
34 respective offices, take and subscribe an oath or affirmation in  
35 substance as follows: I do solemnly swear (or affirm) that I will

1 support the Constitution of the United States and the Constitution and  
2 laws of the state of Washington, and that I will faithfully discharge  
3 the duties of the office of (name of office) to the best of my ability.

4 The oath or affirmation shall be administered by one of the  
5 justices of the supreme court at the capitol. A certificate shall be  
6 affixed thereto by the person administering the oath, and the oath or  
7 affirmation so certified shall be filed in the office of the secretary  
8 of state before the officer shall be qualified to discharge any  
9 official duties: PROVIDED, That the oath of the secretary of state  
10 shall be filed in the office of the state auditor.

11 **Sec. 14.** RCW 43.03.010 and 1989 c 10 s 8 are each amended to read  
12 as follows:

13 The annual salaries of the following named state elected officials  
14 shall be prescribed by the Washington citizens' commission on salaries  
15 for elected officials: Governor; lieutenant governor: PROVIDED, That  
16 in arriving at the annual salary of the lieutenant governor the  
17 commission shall prescribe a fixed amount plus a sum equal to 1/260th  
18 of the difference between the annual salary of the lieutenant governor  
19 and the annual salary of the governor for each day that the lieutenant  
20 governor is called upon to perform the duties of the governor by reason  
21 of the absence from the state, removal, resignation, death, or  
22 disability of the governor; secretary of state; state treasurer; state  
23 auditor; attorney general; superintendent of public instruction;  
24 commissioner of public lands; (~~and~~) state insurance commissioner;  
25 eastern Washington water commissioner, and western Washington water  
26 commissioner. Members of the legislature shall receive for their  
27 service per annum the amount prescribed by the Washington citizens'  
28 commission on salaries for elected officials; and in addition,  
29 reimbursement for mileage for travel to and from legislative sessions  
30 as provided in RCW 43.03.060.

31 **Sec. 15.** RCW 43.17.320 and 1993 c 279 s 2 are each amended to read  
32 as follows:

33 For purposes of RCW 43.17.320 through 43.17.340, "state agency"  
34 means:

35 (1) Any agency for which the executive officer is listed in RCW  
36 42.17.2401(1); and

1           (2) The office of the secretary of state; the office of the state  
2 treasurer; the office of the state auditor; the department of natural  
3 resources; the office of the insurance commissioner; (~~and~~) the office  
4 of the superintendent of public instruction; and the offices of the  
5 eastern Washington water commissioner and the western Washington water  
6 commissioner.

7           NEW SECTION.   **Sec. 16.** Sections 1 through 5 of this act constitute  
8 a new chapter in Title 90 RCW.

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