
ENGROSSED HOUSE BILL 1744

State of Washington

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By Representatives Dolan, Harris, Leavitt, Senn, Ryu, J. Johnson, Chambers, Davis, Macri, Corry, Tharinger, Valdez, and Frame

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1 AN ACT Relating to collaborative arrangements between
2 institutions of higher education and nonprofit private entities that
3 provide comprehensive cancer care; amending RCW 42.56.010, 43.09.290,
4 41.40.010, 41.56.030, 41.80.005, 42.30.020, 39.26.010, 41.06.020, and
5 42.17A.005; reenacting and amending RCW 42.52.010; adding a new
6 section to chapter 28B.10 RCW; adding a new section to chapter 36.01
7 RCW; adding a new section to chapter 35.21 RCW; adding a new section
8 to chapter 35A.21 RCW; and creating a new section.

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

10 NEW SECTION. **Sec. 1.** (1) The legislature finds that Washington
11 benefits from its outstanding university research and health care
12 delivery for cancer patients. The legislature finds that Washington
13 state's citizens and its economy are benefited from the ability to
14 attract and retain private, not-for-profit cancer research and health
15 care delivery institutions. The legislature finds it is in the
16 interest of the citizens of the state of Washington to promote
17 collaboration between public universities and private not-for-profit
18 entities in health care that will provide the highest level of cancer
19 care for patients and advance the prevention, treatment, and cure of
20 cancer through advanced research. The legislature intends to foster
21 the development of cooperative and collaborative arrangements between

1 institutions of higher education and private nonprofit comprehensive
2 cancer centers, for the effective and efficient delivery of cancer-
3 related clinical care and as a platform to further advance cancer-
4 related education and research.

5 (2) Further, the legislature intends that private nonprofit
6 comprehensive cancer centers are not hindered in entering into such
7 collaborations that would benefit the state of Washington and its
8 residents by the application of certain laws governing state
9 agencies.

10 (3) The legislature intends that private nonprofit comprehensive
11 cancer centers in such collaborative arrangements are not state
12 entities, or quasi-government entities, as a result of any such
13 collaborative arrangement so long as the parties to the collaborative
14 arrangement operate in conformance with section 2 of this act. The
15 legislature further intends that employees of such private nonprofit
16 entities are not state employees as a result of the collaboration so
17 long as the parties to the collaborative arrangement operate in
18 conformance with section 2 of this act.

19 (4) The legislature intends to maintain existing responsibilities
20 that state institutions of higher education, as state agencies, owe
21 to the citizens of the state, including but not limited to being
22 subject to state audit and public records requirements, and
23 preserving assets in the interest of the citizens of the state.
24 Further, the legislature intends for private comprehensive cancer
25 centers to retain their private status as they enter into the
26 collaborative agreements with state institutions of higher education,
27 described herein. The legislature intends that collaborations between
28 state institutions of higher education and comprehensive cancer
29 centers be governed by contractual arrangements that address, as
30 necessary and appropriate, the intellectual property rights and
31 obligations of the state.

32 NEW SECTION. **Sec. 2.** A new section is added to chapter 28B.10
33 RCW to read as follows:

34 (1) To facilitate a public-private collaborative arrangement
35 between a comprehensive cancer center and an institution of higher
36 education and maintain the independence of the comprehensive cancer
37 center as a nonprofit private entity, a comprehensive cancer center
38 that is operated in conformance with subsection (3) of this section
39 is not:

1 (a) A state agency, state employer, quasi-government entity, or
2 the functional equivalent of a state entity for any purpose under
3 Washington law;

4 (b) Subject to any obligation or duty of a state agency, state
5 employer, or quasi-government entity under any Washington law; and

6 (c) Subject to state laws or rules and local ordinances,
7 resolutions, or rules specifically applicable to state agencies
8 solely because of an entity's status as a state agency, but is
9 subject to generally applicable state laws and rules and local
10 ordinances, resolutions, and rules.

11 (2) Employees of a comprehensive cancer center that is operated
12 in conformance with subsection (3) of this section are not employees
13 of a state agency, nor have any right or entitlement to any benefits
14 conferred upon employees of a state agency.

15 (3) (a) For purposes of this act, and to ensure that a
16 comprehensive cancer center maintains its character as a nonpublic
17 entity, a comprehensive cancer center must not:

18 (i) Perform an exclusively governmental function, but perform
19 cancer research and medical treatment that are traditionally
20 performed by both governmental and nongovernmental entities;

21 (ii) Receive a majority of its operations funding from the
22 government of the state of Washington or its agencies or
23 institutions, but perform research and medical services under
24 contract to both governmental and nongovernmental entities;

25 (iii) Be subject to day-to-day management by any state agency or
26 institution of higher education; and

27 (iv) Be created solely by a state agency or an institution of
28 higher education.

29 (b) For purposes of this act, and to ensure that the employees of
30 a comprehensive cancer center are at no times employees of a state
31 agency or institution of higher education, state employer, quasi-
32 government entity, or the functional equivalent of a state entity, no
33 state agency or institution of higher education, nor the employees,
34 designees, or agents of a state agency or institution of higher
35 education, may:

36 (i) Directly exercise employer management over comprehensive
37 cancer center employees' day-to-day operation of the comprehensive
38 cancer center;

1 (ii) Solely determine the compensation, benefits, and working
2 conditions of comprehensive cancer center employees for their
3 comprehensive cancer center employment; or

4 (iii) Engage in collective bargaining, the ratification of
5 collective bargaining agreements as an employer, or other discussion
6 with the exclusive bargaining representatives of the employees of a
7 comprehensive cancer center related to comprehensive cancer center
8 employees.

9 (4) For the purposes of this act, the following definitions
10 apply:

11 (a) "Collaborative arrangement" means a written arrangement
12 between a comprehensive cancer center and an institution of higher
13 education, through which the cancer care programs of the
14 comprehensive cancer center and institution of higher education will
15 be aligned and managed.

16 (b) "Comprehensive cancer center" means a comprehensive cancer
17 center as defined in RCW 82.04.4265 that enters into a collaborative
18 arrangement with an institution of higher education and is operated
19 in conformance with this section.

20 NEW SECTION. **Sec. 3.** A new section is added to chapter 36.01
21 RCW to read as follows:

22 No county may enact, enforce, or maintain an ordinance,
23 regulation, or rule that regulates or otherwise treats a
24 comprehensive cancer center participating in a collaborative
25 arrangement as defined in section 2 of this act that is operated in
26 conformance with section 2 of this act as a state agency. Such a
27 comprehensive cancer center is still subject to ordinances,
28 regulations, and rules that are generally applicable in nature.

29 NEW SECTION. **Sec. 4.** A new section is added to chapter 35.21
30 RCW to read as follows:

31 No city or town may enact, enforce, or maintain an ordinance,
32 regulation, or rule that regulates or otherwise treats a
33 comprehensive cancer center participating in a collaborative
34 arrangement as defined in section 2 of this act that is operated in
35 conformance with section 2 of this act as a state agency. Such a
36 comprehensive cancer center is still subject to ordinances,
37 regulations, and rules that are generally applicable in nature.

1 NEW SECTION. **Sec. 5.** A new section is added to chapter 35A.21
2 RCW to read as follows:

3 No code city may enact, enforce, or maintain an ordinance,
4 regulation, or rule that regulates or otherwise treats a
5 comprehensive cancer center participating in a collaborative
6 arrangement as defined in section 2 of this act that is operated in
7 conformance with section 2 of this act as a state agency. Such a
8 comprehensive cancer center is still subject to ordinances,
9 regulations, and rules that are generally applicable in nature.

10 **Sec. 6.** RCW 42.56.010 and 2017 c 303 s 1 are each amended to
11 read as follows:

12 The definitions in this section apply throughout this chapter
13 unless the context clearly requires otherwise.

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,
20 or other local public agency. "Agency" does not include a
21 comprehensive cancer center participating in a collaborative
22 arrangement as defined in section 2 of this act that is operated in
23 conformance with section 2 of this act.

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

28 (3) "Public record" includes any writing containing information
29 relating to the conduct of government or the performance of any
30 governmental or proprietary function prepared, owned, used, or
31 retained by any state or local agency regardless of physical form or
32 characteristics. For the office of the secretary of the senate and
33 the office of the chief clerk of the house of representatives, public
34 records means legislative records as defined in RCW 40.14.100 and
35 also means the following: All budget and financial records; personnel
36 leave, travel, and payroll records; records of legislative sessions;
37 reports submitted to the legislature; and any other record designated
38 a public record by any official action of the senate or the house of
39 representatives. This definition does not include records that are

1 not otherwise required to be retained by the agency and are held by
2 volunteers who:

3 (a) Do not serve in an administrative capacity;

4 (b) Have not been appointed by the agency to an agency board,
5 commission, or internship; and

6 (c) Do not have a supervisory role or delegated agency authority.

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

16 **Sec. 7.** RCW 43.09.290 and 1995 c 301 s 21 are each amended to
17 read as follows:

18 For the purposes of RCW 43.09.290 through 43.09.340 and 43.09.410
19 through 43.09.418, post-audit means an audit of the books, records,
20 funds, accounts, and financial transactions of a state agency for a
21 complete fiscal period; pre-audit means all other audits and
22 examinations; state agency means elective officers and offices, and
23 every other office, officer, department, board, council, committee,
24 commission, or authority of the state government now existing or
25 hereafter created, supported, wholly or in part, by appropriations
26 from the state treasury or funds under its control, or by the levy,
27 assessment, collection, or receipt of fines, penalties, fees,
28 licenses, sales of commodities, service charges, rentals, grants-in-
29 aid, or other income provided by law, and all state educational,
30 penal, reformatory, charitable, eleemosynary, or other institutions,
31 supported, wholly or in part, by appropriations from the state
32 treasury or funds under its control, but not including a
33 comprehensive cancer center participating in a collaborative
34 arrangement as defined in section 2 of this act that is operated in
35 conformance with section 2 of this act.

36 **Sec. 8.** RCW 41.40.010 and 2021 c 12 s 7 are each amended to read
37 as follows:

1 As used in this chapter, unless a different meaning is plainly
2 required by the context:

3 (1) "Accumulated contributions" means the sum of all
4 contributions standing to the credit of a member in the member's
5 individual account, including any amount paid under RCW 41.50.165(2),
6 together with the regular interest thereon.

7 (2) "Actuarial equivalent" means a benefit of equal value when
8 computed upon the basis of such mortality and other tables as may be
9 adopted by the director.

10 (3) "Adjustment ratio" means the value of index A divided by
11 index B.

12 (4) "Annual increase" means, initially, fifty-nine cents per
13 month per year of service which amount shall be increased each July
14 1st by three percent, rounded to the nearest cent.

15 (5) "Annuity" means payments for life derived from accumulated
16 contributions of a member. All annuities shall be paid in monthly
17 installments.

18 (6) (a) "Average final compensation" for plan 1 members, means the
19 annual average of the greatest compensation earnable by a member
20 during any consecutive two year period of service credit months for
21 which service credit is allowed; or if the member has less than two
22 years of service credit months then the annual average compensation
23 earnable during the total years of service for which service credit
24 is allowed.

25 (b) "Average final compensation" for plan 2 and plan 3 members,
26 means the member's average compensation earnable of the highest
27 consecutive sixty months of service credit months prior to such
28 member's retirement, termination, or death. Periods constituting
29 authorized leaves of absence may not be used in the calculation of
30 average final compensation except under RCW 41.40.710(2) or (c) of
31 this subsection.

32 (c) In calculating average final compensation under this
33 subsection for a member of plan 1, 2, or 3, the department of
34 retirement systems shall include:

35 (i) Any compensation forgone by the member during the 2009-2011
36 fiscal biennium as a result of reduced work hours, voluntary leave
37 without pay, temporary reduction in pay implemented prior to December
38 11, 2010, or temporary furloughs if the reduced compensation is an
39 integral part of the employer's expenditure reduction efforts, as
40 certified by the employer;

1 (ii) Any compensation forgone by a member employed by the state
2 or a local government during the 2011-2013 fiscal biennium as a
3 result of reduced work hours, mandatory leave without pay, temporary
4 layoffs, or reductions to current pay if the reduced compensation is
5 an integral part of the employer's expenditure reduction efforts, as
6 certified by the employer. Reductions to current pay shall not
7 include elimination of previously agreed upon future salary
8 increases; and

9 (iii) Any compensation forgone by a member during the 2019-2021
10 and 2021-2023 fiscal biennia as a result of reduced work hours,
11 mandatory leave without pay, temporary layoffs, furloughs, reductions
12 to current pay, or other similar measures resulting from the COVID-19
13 budgetary crisis, if the reduced compensation is an integral part of
14 the employer's expenditure reduction efforts, as certified by the
15 employer. Reductions to current pay shall not include elimination of
16 previously agreed upon future salary increases.

17 (7) (a) "Beneficiary" for plan 1 members, means any person in
18 receipt of a retirement allowance, pension or other benefit provided
19 by this chapter.

20 (b) "Beneficiary" for plan 2 and plan 3 members, means any person
21 in receipt of a retirement allowance or other benefit provided by
22 this chapter resulting from service rendered to an employer by
23 another person.

24 (8) (a) "Compensation earnable" for plan 1 members, means salaries
25 or wages earned during a payroll period for personal services and
26 where the compensation is not all paid in money, maintenance
27 compensation shall be included upon the basis of the schedules
28 established by the member's employer.

29 (i) "Compensation earnable" for plan 1 members also includes the
30 following actual or imputed payments, which are not paid for personal
31 services:

32 (A) Retroactive payments to an individual by an employer on
33 reinstatement of the employee in a position, or payments by an
34 employer to an individual in lieu of reinstatement in a position
35 which are awarded or granted as the equivalent of the salary or wage
36 which the individual would have earned during a payroll period shall
37 be considered compensation earnable and the individual shall receive
38 the equivalent service credit;

39 (B) If a leave of absence is taken by an individual for the
40 purpose of serving in the state legislature, the salary which would

1 have been received for the position from which the leave of absence
2 was taken, shall be considered as compensation earnable if the
3 employee's contribution is paid by the employee and the employer's
4 contribution is paid by the employer or employee;

5 (C) Assault pay only as authorized by RCW 27.04.100, 72.01.045,
6 and 72.09.240;

7 (D) Compensation that a member would have received but for a
8 disability occurring in the line of duty only as authorized by RCW
9 41.40.038;

10 (E) Compensation that a member receives due to participation in
11 the leave sharing program only as authorized by RCW 41.04.650 through
12 41.04.670; and

13 (F) Compensation that a member receives for being in standby
14 status. For the purposes of this section, a member is in standby
15 status when not being paid for time actually worked and the employer
16 requires the member to be prepared to report immediately for work, if
17 the need arises, although the need may not arise.

18 (ii) "Compensation earnable" does not include:

19 (A) Remuneration for unused sick leave authorized under RCW
20 41.04.340, 28A.400.210, or 28A.310.490;

21 (B) Remuneration for unused annual leave in excess of (~~thirty~~
22 ~~days~~) 240 hours as authorized by RCW 43.01.044 and 43.01.041.

23 (b) "Compensation earnable" for plan 2 and plan 3 members, means
24 salaries or wages earned by a member during a payroll period for
25 personal services, including overtime payments, and shall include
26 wages and salaries deferred under provisions established pursuant to
27 sections 403(b), 414(h), and 457 of the United States Internal
28 Revenue Code, but shall exclude nonmoney maintenance compensation and
29 lump sum or other payments for deferred annual sick leave, unused
30 accumulated vacation, unused accumulated annual leave, or any form of
31 severance pay.

32 "Compensation earnable" for plan 2 and plan 3 members also
33 includes the following actual or imputed payments, which are not paid
34 for personal services:

35 (i) Retroactive payments to an individual by an employer on
36 reinstatement of the employee in a position, or payments by an
37 employer to an individual in lieu of reinstatement in a position
38 which are awarded or granted as the equivalent of the salary or wage
39 which the individual would have earned during a payroll period shall

1 be considered compensation earnable to the extent provided above, and
2 the individual shall receive the equivalent service credit;

3 (ii) In any year in which a member serves in the legislature, the
4 member shall have the option of having such member's compensation
5 earnable be the greater of:

6 (A) The compensation earnable the member would have received had
7 such member not served in the legislature; or

8 (B) Such member's actual compensation earnable received for
9 nonlegislative public employment and legislative service combined.
10 Any additional contributions to the retirement system required
11 because compensation earnable under (b)(ii)(A) of this subsection is
12 greater than compensation earnable under (b)(ii)(B) of this
13 subsection shall be paid by the member for both member and employer
14 contributions;

15 (iii) Assault pay only as authorized by RCW 27.04.100, 72.01.045,
16 and 72.09.240;

17 (iv) Compensation that a member would have received but for a
18 disability occurring in the line of duty only as authorized by RCW
19 41.40.038;

20 (v) Compensation that a member receives due to participation in
21 the leave sharing program only as authorized by RCW 41.04.650 through
22 41.04.670; and

23 (vi) Compensation that a member receives for being in standby
24 status. For the purposes of this section, a member is in standby
25 status when not being paid for time actually worked and the employer
26 requires the member to be prepared to report immediately for work, if
27 the need arises, although the need may not arise.

28 (9) "Department" means the department of retirement systems
29 created in chapter 41.50 RCW.

30 (10) "Director" means the director of the department.

31 (11) "Eligible position" means:

32 (a) Any position that, as defined by the employer, normally
33 requires five or more months of service a year for which regular
34 compensation for at least seventy hours is earned by the occupant
35 thereof. For purposes of this chapter an employer shall not define
36 "position" in such a manner that an employee's monthly work for that
37 employer is divided into more than one position;

38 (b) Any position occupied by an elected official or person
39 appointed directly by the governor, or appointed by the chief justice

1 of the supreme court under RCW 2.04.240(2) or 2.06.150(2), for which
2 compensation is paid.

3 (12) "Employee" or "employed" means a person who is providing
4 services for compensation to an employer, unless the person is free
5 from the employer's direction and control over the performance of
6 work. The department shall adopt rules and interpret this subsection
7 consistent with common law.

8 (13)(a) "Employer" for plan 1 members, means every branch,
9 department, agency, commission, board, and office of the state, any
10 political subdivision or association of political subdivisions of the
11 state admitted into the retirement system, and legal entities
12 authorized by RCW 35.63.070 and 36.70.060 or chapter 39.34 RCW; and
13 the term shall also include any labor guild, association, or
14 organization the membership of a local lodge or division of which is
15 comprised of at least forty percent employees of an employer (other
16 than such labor guild, association, or organization) within this
17 chapter. The term may also include any city of the first class that
18 has its own retirement system.

19 (b) "Employer" for plan 2 and plan 3 members, means every branch,
20 department, agency, commission, board, and office of the state, and
21 any political subdivision and municipal corporation of the state
22 admitted into the retirement system, including public agencies
23 created pursuant to RCW 35.63.070, 36.70.060, and 39.34.030; except
24 that after August 31, 2000, school districts and educational service
25 districts will no longer be employers for the public employees'
26 retirement system plan 2.

27 (c) Except as otherwise specifically provided in this chapter,
28 "employer" does not include a government contractor. For purposes of
29 this subsection, a "government contractor" is any entity, including a
30 partnership, limited liability company, for-profit or nonprofit
31 corporation, or person, that provides services pursuant to a contract
32 with an "employer." The determination whether an employer-employee
33 relationship has been established is not based on the relationship
34 between a government contractor and an "employer," but is based
35 solely on the relationship between a government contractor's employee
36 and an "employer" under this chapter.

37 (d) "Employer" does not include a comprehensive cancer center
38 participating in a collaborative arrangement as defined in section 2
39 of this act that is operated in conformance with section 2 of this
40 act.

1 (14) "Final compensation" means the annual rate of compensation
2 earnable by a member at the time of termination of employment.

3 (15) "Index" means, for any calendar year, that year's annual
4 average consumer price index, Seattle, Washington area, for urban
5 wage earners and clerical workers, all items, compiled by the bureau
6 of labor statistics, United States department of labor.

7 (16) "Index A" means the index for the year prior to the
8 determination of a postretirement adjustment.

9 (17) "Index B" means the index for the year prior to index A.

10 (18) "Index year" means the earliest calendar year in which the
11 index is more than sixty percent of index A.

12 (19) "Ineligible position" means any position which does not
13 conform with the requirements set forth in subsection (11) of this
14 section.

15 (20) "Leave of absence" means the period of time a member is
16 authorized by the employer to be absent from service without being
17 separated from membership.

18 (21) "Member" means any employee included in the membership of
19 the retirement system, as provided for in RCW 41.40.023. RCW
20 41.26.045 does not prohibit a person otherwise eligible for
21 membership in the retirement system from establishing such membership
22 effective when he or she first entered an eligible position.

23 (22) "Member account" or "member's account" for purposes of plan
24 3 means the sum of the contributions and earnings on behalf of the
25 member in the defined contribution portion of plan 3.

26 (23) "Membership service" means:

27 (a) All service rendered, as a member, after October 1, 1947;

28 (b) All service after October 1, 1947, to any employer prior to
29 the time of its admission into the retirement system for which member
30 and employer contributions, plus interest as required by RCW
31 41.50.125, have been paid under RCW 41.40.056 or 41.40.057;

32 (c) Service not to exceed six consecutive months of probationary
33 service rendered after April 1, 1949, and prior to becoming a member,
34 in the case of any member, upon payment in full by such member of the
35 total amount of the employer's contribution to the retirement fund
36 which would have been required under the law in effect when such
37 probationary service was rendered if the member had been a member
38 during such period, except that the amount of the employer's
39 contribution shall be calculated by the director based on the first
40 month's compensation earnable as a member;

1 (d) Service not to exceed six consecutive months of probationary
2 service, rendered after October 1, 1947, and before April 1, 1949,
3 and prior to becoming a member, in the case of any member, upon
4 payment in full by such member of five percent of such member's
5 salary during said period of probationary service, except that the
6 amount of the employer's contribution shall be calculated by the
7 director based on the first month's compensation earnable as a
8 member.

9 (24) "New member" means a person who becomes a member on or after
10 April 1, 1949, except as otherwise provided in this section.

11 (25) "Original member" of this retirement system means:

12 (a) Any person who became a member of the system prior to April
13 1, 1949;

14 (b) Any person who becomes a member through the admission of an
15 employer into the retirement system on and after April 1, 1949, and
16 prior to April 1, 1951;

17 (c) Any person who first becomes a member by securing employment
18 with an employer prior to April 1, 1951, provided the member has
19 rendered at least one or more years of service to any employer prior
20 to October 1, 1947;

21 (d) Any person who first becomes a member through the admission
22 of an employer into the retirement system on or after April 1, 1951,
23 provided, such person has been in the regular employ of the employer
24 for at least six months of the twelve-month period preceding the said
25 admission date;

26 (e) Any member who has restored all contributions that may have
27 been withdrawn as provided by RCW 41.40.150 and who on the effective
28 date of the individual's retirement becomes entitled to be credited
29 with ten years or more of membership service except that the
30 provisions relating to the minimum amount of retirement allowance for
31 the member upon retirement at age seventy as found in RCW
32 41.40.190(4) shall not apply to the member;

33 (f) Any member who has been a contributor under the system for
34 two or more years and who has restored all contributions that may
35 have been withdrawn as provided by RCW 41.40.150 and who on the
36 effective date of the individual's retirement has rendered five or
37 more years of service for the state or any political subdivision
38 prior to the time of the admission of the employer into the system;
39 except that the provisions relating to the minimum amount of

1 retirement allowance for the member upon retirement at age seventy as
2 found in RCW 41.40.190(4) shall not apply to the member.

3 (26) "Pension" means payments for life derived from contributions
4 made by the employer. All pensions shall be paid in monthly
5 installments.

6 (27) "Plan 1" means the public employees' retirement system, plan
7 1 providing the benefits and funding provisions covering persons who
8 first became members of the system prior to October 1, 1977.

9 (28) "Plan 2" means the public employees' retirement system, plan
10 2 providing the benefits and funding provisions covering persons who
11 first became members of the system on and after October 1, 1977, and
12 are not included in plan 3.

13 (29) "Plan 3" means the public employees' retirement system, plan
14 3 providing the benefits and funding provisions covering persons who:

15 (a) First become a member on or after:

16 (i) March 1, 2002, and are employed by a state agency or
17 institute of higher education and who did not choose to enter plan 2;
18 or

19 (ii) September 1, 2002, and are employed by other than a state
20 agency or institute of higher education and who did not choose to
21 enter plan 2; or

22 (b) Transferred to plan 3 under RCW 41.40.795.

23 (30) "Prior service" means all service of an original member
24 rendered to any employer prior to October 1, 1947.

25 (31) "Regular interest" means such rate as the director may
26 determine.

27 (32) "Retiree" means any person who has begun accruing a
28 retirement allowance or other benefit provided by this chapter
29 resulting from service rendered to an employer while a member.

30 (33) "Retirement" means withdrawal from active service with a
31 retirement allowance as provided by this chapter.

32 (34) "Retirement allowance" means the sum of the annuity and the
33 pension.

34 (35) "Retirement system" means the public employees' retirement
35 system provided for in this chapter.

36 (36) "Separation from service" occurs when a person has
37 terminated all employment with an employer. Separation from service
38 or employment does not occur, and if claimed by an employer or
39 employee may be a violation of RCW 41.40.055, when an employee and
40 employer have a written or oral agreement to resume employment with

1 the same employer following termination. Mere expressions or
2 inquiries about postretirement employment by an employer or employee
3 that do not constitute a commitment to reemploy the employee after
4 retirement are not an agreement under this subsection.

5 (37)(a) "Service" for plan 1 members, except as provided in RCW
6 41.40.088, means periods of employment in an eligible position or
7 positions for one or more employers rendered to any employer for
8 which compensation is paid, and includes time spent in office as an
9 elected or appointed official of an employer. Compensation earnable
10 earned in full time work for seventy hours or more in any given
11 calendar month shall constitute one service credit month except as
12 provided in RCW 41.40.088. Compensation earnable earned for less than
13 seventy hours in any calendar month shall constitute one-quarter
14 service credit month of service except as provided in RCW 41.40.088.
15 Only service credit months and one-quarter service credit months
16 shall be counted in the computation of any retirement allowance or
17 other benefit provided for in this chapter. Any fraction of a year of
18 service shall be taken into account in the computation of such
19 retirement allowance or benefits. Time spent in standby status,
20 whether compensated or not, is not service.

21 (i) Service by a state employee officially assigned by the state
22 on a temporary basis to assist another public agency, shall be
23 considered as service as a state employee: PROVIDED, That service to
24 any other public agency shall not be considered service as a state
25 employee if such service has been used to establish benefits in any
26 other public retirement system.

27 (ii) An individual shall receive no more than a total of twelve
28 service credit months of service during any calendar year. If an
29 individual is employed in an eligible position by one or more
30 employers the individual shall receive no more than one service
31 credit month during any calendar month in which multiple service for
32 seventy or more hours is rendered.

33 (iii) A school district employee may count up to forty-five days
34 of sick leave as creditable service solely for the purpose of
35 determining eligibility to retire under RCW 41.40.180 as authorized
36 by RCW 28A.400.300. For purposes of plan 1 "forty-five days" as used
37 in RCW 28A.400.300 is equal to two service credit months. Use of less
38 than forty-five days of sick leave is creditable as allowed under
39 this subsection as follows:

1 (A) Less than twenty-two days equals one-quarter service credit
2 month;

3 (B) Twenty-two days equals one service credit month;

4 (C) More than twenty-two days but less than forty-five days
5 equals one and one-quarter service credit month.

6 (iv) Reduction efforts such as furloughs, reduced work hours,
7 mandatory leave without pay, temporary layoffs, or other similar
8 situations as contemplated by subsection (6)(c)(iii) of this section
9 do not result in a reduction in service credit that otherwise would
10 have been earned for that month of work, and the member shall receive
11 the full service credit for the hours that were scheduled to be
12 worked before the reduction.

13 (b) "Service" for plan 2 and plan 3 members, means periods of
14 employment by a member in an eligible position or positions for one
15 or more employers for which compensation earnable is paid.
16 Compensation earnable earned for ninety or more hours in any calendar
17 month shall constitute one service credit month except as provided in
18 RCW 41.40.088. Compensation earnable earned for at least seventy
19 hours but less than ninety hours in any calendar month shall
20 constitute one-half service credit month of service. Compensation
21 earnable earned for less than seventy hours in any calendar month
22 shall constitute one-quarter service credit month of service. Time
23 spent in standby status, whether compensated or not, is not service.

24 Any fraction of a year of service shall be taken into account in
25 the computation of such retirement allowance or benefits.

26 (i) Service in any state elective position shall be deemed to be
27 full time service, except that persons serving in state elective
28 positions who are members of the Washington school employees'
29 retirement system, teachers' retirement system, public safety
30 employees' retirement system, or law enforcement officers' and
31 firefighters' retirement system at the time of election or
32 appointment to such position may elect to continue membership in the
33 Washington school employees' retirement system, teachers' retirement
34 system, public safety employees' retirement system, or law
35 enforcement officers' and firefighters' retirement system.

36 (ii) A member shall receive a total of not more than twelve
37 service credit months of service for such calendar year. If an
38 individual is employed in an eligible position by one or more
39 employers the individual shall receive no more than one service

1 credit month during any calendar month in which multiple service for
2 ninety or more hours is rendered.

3 (iii) Up to forty-five days of sick leave may be creditable as
4 service solely for the purpose of determining eligibility to retire
5 under RCW 41.40.180 as authorized by RCW 28A.400.300. For purposes of
6 plan 2 and plan 3 "forty-five days" as used in RCW 28A.400.300 is
7 equal to two service credit months. Use of less than forty-five days
8 of sick leave is creditable as allowed under this subsection as
9 follows:

10 (A) Less than eleven days equals one-quarter service credit
11 month;

12 (B) Eleven or more days but less than twenty-two days equals one-
13 half service credit month;

14 (C) Twenty-two days equals one service credit month;

15 (D) More than twenty-two days but less than thirty-three days
16 equals one and one-quarter service credit month;

17 (E) Thirty-three or more days but less than forty-five days
18 equals one and one-half service credit month.

19 (iv) Reduction efforts such as furloughs, reduced work hours,
20 mandatory leave without pay, temporary layoffs, or other similar
21 situations as contemplated by subsection (6)(c)(iii) of this section
22 do not result in a reduction in service credit that otherwise would
23 have been earned for that month of work, and the member shall receive
24 the full service credit for the hours that were scheduled to be
25 worked before the reduction.

26 (38) "Service credit month" means a month or an accumulation of
27 months of service credit which is equal to one.

28 (39) "Service credit year" means an accumulation of months of
29 service credit which is equal to one when divided by twelve.

30 (40) "State actuary" or "actuary" means the person appointed
31 pursuant to RCW 44.44.010(2).

32 (41) "State elective position" means any position held by any
33 person elected or appointed to statewide office or elected or
34 appointed as a member of the legislature.

35 (42) "State treasurer" means the treasurer of the state of
36 Washington.

37 (43) "Totally incapacitated for duty" means total inability to
38 perform the duties of a member's employment or office or any other
39 work for which the member is qualified by training or experience.

1 **Sec. 9.** RCW 41.56.030 and 2021 c 13 s 7 are each amended to read
2 as follows:

3 As used in this chapter:

4 (1) "Adult family home provider" means a provider as defined in
5 RCW 70.128.010 who receives payments from the medicaid and state-
6 funded long-term care programs.

7 (2) "Bargaining representative" means any lawful organization
8 which has as one of its primary purposes the representation of
9 employees in their employment relations with employers.

10 (3) "Child care subsidy" means a payment from the state through a
11 child care subsidy program established pursuant to RCW 74.12.340, 45
12 C.F.R. Sec. 98.1 through 98.17, or any successor program.

13 (4) "Collective bargaining" means the performance of the mutual
14 obligations of the public employer and the exclusive bargaining
15 representative to meet at reasonable times, to confer and negotiate
16 in good faith, and to execute a written agreement with respect to
17 grievance procedures, subject to RCW 41.58.070, and collective
18 negotiations on personnel matters, including wages, hours, and
19 working conditions, which may be peculiar to an appropriate
20 bargaining unit of such public employer, except that by such
21 obligation neither party shall be compelled to agree to a proposal or
22 be required to make a concession unless otherwise provided in this
23 chapter.

24 (5) "Commission" means the public employment relations
25 commission.

26 (6) "Executive director" means the executive director of the
27 commission.

28 (7) "Family child care provider" means a person who: (a) Provides
29 regularly scheduled care for a child or children in the home of the
30 provider or in the home of the child or children for periods of less
31 than twenty-four hours or, if necessary due to the nature of the
32 parent's work, for periods equal to or greater than twenty-four
33 hours; (b) receives child care subsidies; and (c) under chapter
34 43.216 RCW, is either licensed by the state or is exempt from
35 licensing.

36 (8) "Fish and wildlife officer" means a fish and wildlife officer
37 as defined in RCW 77.08.010 who ranks below lieutenant and includes
38 officers, detectives, and sergeants of the department of fish and
39 wildlife.

1 (9) "Individual provider" means an individual provider as defined
2 in RCW 74.39A.240(3) who, solely for the purposes of collective
3 bargaining, is a public employee as provided in RCW 74.39A.270.

4 (10) "Institution of higher education" means the University of
5 Washington, Washington State University, Central Washington
6 University, Eastern Washington University, Western Washington
7 University, The Evergreen State College, and the various state
8 community colleges.

9 (11)(a) "Language access provider" means any independent
10 contractor who provides spoken language interpreter services, whether
11 paid by a broker, language access agency, or the respective
12 department:

13 (i) For department of social and health services appointments,
14 department of children, youth, and families appointments, medicaid
15 enrollee appointments, or who provided these services on or after
16 January 1, 2011, and before June 10, 2012;

17 (ii) For department of labor and industries authorized medical
18 and vocational providers who provided these services on or after
19 January 1, 2019; or

20 (iii) For state agencies who provided these services on or after
21 January 1, 2019.

22 (b) "Language access provider" does not mean a manager or
23 employee of a broker or a language access agency.

24 (12) "Public employee" means any employee of a public employer
25 except any person (a) elected by popular vote, or (b) appointed to
26 office pursuant to statute, ordinance or resolution for a specified
27 term of office as a member of a multimember board, commission, or
28 committee, whether appointed by the executive head or body of the
29 public employer, or (c) whose duties as deputy, administrative
30 assistant or secretary necessarily imply a confidential relationship
31 to (i) the executive head or body of the applicable bargaining unit,
32 or (ii) any person elected by popular vote, or (iii) any person
33 appointed to office pursuant to statute, ordinance or resolution for
34 a specified term of office as a member of a multimember board,
35 commission, or committee, whether appointed by the executive head or
36 body of the public employer, or (d) who is a court commissioner or a
37 court magistrate of superior court, district court, or a department
38 of a district court organized under chapter 3.46 RCW, or (e) who is a
39 personal assistant to a district court judge, superior court judge,
40 or court commissioner. For the purpose of (e) of this subsection, no

1 more than one assistant for each judge or commissioner may be
2 excluded from a bargaining unit.

3 (13) "Public employer" means any officer, board, commission,
4 council, or other person or body acting on behalf of any public body
5 governed by this chapter, or any subdivision of such public body. For
6 the purposes of this section, the public employer of district court
7 or superior court employees for wage-related matters is the
8 respective county legislative authority, or person or body acting on
9 behalf of the legislative authority, and the public employer for
10 nonwage-related matters is the judge or judge's designee of the
11 respective district court or superior court. For the purposes of this
12 chapter, public employer does not include a comprehensive cancer
13 center participating in a collaborative arrangement as defined in
14 section 2 of this act that is operated in conformance with section 2
15 of this act.

16 (14) "Uniformed personnel" means: (a) Law enforcement officers as
17 defined in RCW 41.26.030 employed by the governing body of any city
18 or town with a population of two thousand five hundred or more and
19 law enforcement officers employed by the governing body of any county
20 with a population of ten thousand or more; (b) correctional employees
21 who are uniformed and nonuniformed, commissioned and noncommissioned
22 security personnel employed in a jail as defined in RCW 70.48.020(9),
23 by a county with a population of seventy thousand or more, in a
24 correctional facility created under RCW 70.48.095, or in a detention
25 facility created under chapter 13.40 RCW that is located in a county
26 with a population over one million five hundred thousand, and who are
27 trained for and charged with the responsibility of controlling and
28 maintaining custody of inmates in the jail and safeguarding inmates
29 from other inmates; (c) general authority Washington peace officers
30 as defined in RCW 10.93.020 employed by a port district in a county
31 with a population of one million or more; (d) security forces
32 established under RCW 43.52.520; (e) firefighters as that term is
33 defined in RCW 41.26.030; (f) employees of a port district in a
34 county with a population of one million or more whose duties include
35 crash fire rescue or other firefighting duties; (g) employees of fire
36 departments of public employers who dispatch exclusively either fire
37 or emergency medical services, or both; (h) employees in the several
38 classes of advanced life support technicians, as defined in RCW
39 18.71.200, who are employed by a public employer; or (i) court
40 marshals of any county who are employed by, trained for, and

1 commissioned by the county sheriff and charged with the
2 responsibility of enforcing laws, protecting and maintaining security
3 in all county-owned or contracted property, and performing any other
4 duties assigned to them by the county sheriff or mandated by judicial
5 order.

6 **Sec. 10.** RCW 41.80.005 and 2021 c 180 s 1 are each amended to
7 read as follows:

8 Unless the context clearly requires otherwise, the definitions in
9 this section apply throughout this chapter.

10 (1) "Agency" means any agency as defined in RCW 41.06.020 and
11 covered by chapter 41.06 RCW. "Agency" also includes the assistant
12 attorneys general of the attorney general's office and the
13 administrative law judges of the office of administrative hearings,
14 regardless of whether those employees are exempt under chapter 41.06
15 RCW. "Agency" does not include a comprehensive cancer center
16 participating in a collaborative arrangement as defined in section 2
17 of this act that is operated in conformance with section 2 of this
18 act.

19 (2) "Collective bargaining" means the performance of the mutual
20 obligation of the representatives of the employer and the exclusive
21 bargaining representative to meet at reasonable times and to bargain
22 in good faith in an effort to reach agreement with respect to the
23 subjects of bargaining specified under RCW 41.80.020. The obligation
24 to bargain does not compel either party to agree to a proposal or to
25 make a concession, except as otherwise provided in this chapter.

26 (3) "Commission" means the public employment relations
27 commission.

28 (4) "Confidential employee" means an employee who, in the regular
29 course of his or her duties, assists in a confidential capacity
30 persons who formulate, determine, and effectuate management policies
31 with regard to labor relations or who, in the regular course of his
32 or her duties, has authorized access to information relating to the
33 effectuation or review of the employer's collective bargaining
34 policies, or who assists or aids a manager. "Confidential employee"
35 also includes employees who assist assistant attorneys general who
36 advise and represent managers or confidential employees in personnel
37 or labor relations matters.

38 (5) "Director" means the director of the public employment
39 relations commission.

1 (6) "Employee" means any employee, including employees whose work
2 has ceased in connection with the pursuit of lawful activities
3 protected by this chapter, covered by chapter 41.06 RCW. "Employee"
4 includes assistant attorneys general of the office of the attorney
5 general and administrative law judges of the office of administrative
6 hearings, regardless of their exemption under chapter 41.06 RCW.
7 "Employee" does not include:

8 (a) Employees covered for collective bargaining by chapter 41.56
9 RCW;

10 (b) Confidential employees;

11 (c) Members of the Washington management service;

12 (d) Internal auditors in any agency; or

13 (e) Any employee of the commission, the office of financial
14 management, or the office of risk management within the department of
15 enterprise services.

16 (7) "Employee organization" means any organization, union, or
17 association in which employees participate and that exists for the
18 purpose, in whole or in part, of collective bargaining with
19 employers.

20 (8) "Employer" means the state of Washington.

21 (9) "Exclusive bargaining representative" means any employee
22 organization that has been certified under this chapter as the
23 representative of the employees in an appropriate bargaining unit.

24 (10) "Institutions of higher education" means the University of
25 Washington, Washington State University, Central Washington
26 University, Eastern Washington University, Western Washington
27 University, The Evergreen State College, and the various state
28 community colleges.

29 (11) "Labor dispute" means any controversy concerning terms,
30 tenure, or conditions of employment, or concerning the association or
31 representation of persons in negotiating, fixing, maintaining,
32 changing, or seeking to arrange terms or conditions of employment
33 with respect to the subjects of bargaining provided in this chapter,
34 regardless of whether the disputants stand in the proximate relation
35 of employer and employee.

36 (12) "Manager" means "manager" as defined in RCW 41.06.022.

37 (13) "Supervisor" means an employee who has authority, in the
38 interest of the employer, to hire, transfer, suspend, lay off,
39 recall, promote, discharge, direct, reward, or discipline employees,
40 or to adjust employee grievances, or effectively to recommend such

1 action, if the exercise of the authority is not of a merely routine
2 nature but requires the consistent exercise of individual judgment.
3 However, no employee who is a member of the Washington management
4 service may be included in a collective bargaining unit established
5 under this section.

6 (14) "Unfair labor practice" means any unfair labor practice
7 listed in RCW 41.80.110.

8 (15) "Uniformed personnel" means duly sworn police officers
9 employed as members of a police force established pursuant to RCW
10 28B.10.550.

11 **Sec. 11.** RCW 42.30.020 and 1985 c 366 s 1 are each amended to
12 read as follows:

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

14 (1) "Public agency" means:

15 (a) Any state board, commission, committee, department,
16 educational institution, or other state agency which is created by or
17 pursuant to statute, other than courts and the legislature. This does
18 not include a comprehensive cancer center participating in a
19 collaborative arrangement as defined in section 2 of this act that is
20 operated in conformance with section 2 of this act;

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

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

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

33 (2) "Governing body" means the multimember board, commission,
34 committee, council, or other policy or rule-making body of a public
35 agency, or any committee thereof when the committee acts on behalf of
36 the governing body, conducts hearings, or takes testimony or public
37 comment.

38 (3) "Action" means the transaction of the official business of a
39 public agency by a governing body including but not limited to

1 receipt of public testimony, deliberations, discussions,
2 considerations, reviews, evaluations, and final actions. "Final
3 action" means a collective positive or negative decision, or an
4 actual vote by a majority of the members of a governing body when
5 sitting as a body or entity, upon a motion, proposal, resolution,
6 order, or ordinance.

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

8 **Sec. 12.** RCW 39.26.010 and 2015 c 79 s 5 are each amended to
9 read as follows:

10 The definitions in this section apply throughout this chapter
11 unless the context clearly requires otherwise.

12 (1) "Agency" means any state office or activity of the executive
13 and judicial branches of state government, including state agencies,
14 departments, offices, divisions, boards, commissions, institutions of
15 higher education as defined in RCW 28B.10.016, and correctional and
16 other types of institutions. "Agency" does not include a
17 comprehensive cancer center participating in a collaborative
18 arrangement as defined in section 2 of this act that is operated in
19 conformance with section 2 of this act.

20 (2) "Bid" means an offer, proposal, or quote for goods or
21 services in response to a solicitation issued for such goods or
22 services by the department or an agency of Washington state
23 government.

24 (3) "Bidder" means an individual or entity who submits a bid,
25 quotation, or proposal in response to a solicitation issued for such
26 goods or services by the department or an agency of Washington state
27 government.

28 (4) "Client services" means services provided directly to agency
29 clients including, but not limited to, medical and dental services,
30 employment and training programs, residential care, and subsidized
31 housing.

32 (5) "Community rehabilitation program of the department of social
33 and health services" means any entity that:

34 (a) Is registered as a nonprofit corporation with the secretary
35 of state; and

36 (b) Is recognized by the department of social and health
37 services, division of vocational rehabilitation as eligible to do
38 business as a community rehabilitation program.

1 (6) "Competitive solicitation" means a documented formal process
2 providing an equal and open opportunity to bidders and culminating in
3 a selection based on predetermined criteria.

4 (7) "Contractor" means an individual or entity awarded a contract
5 with an agency to perform a service or provide goods.

6 (8) "Debar" means to prohibit a contractor, individual, or other
7 entity from submitting a bid, having a bid considered, or entering
8 into a state contract during a specified period of time as set forth
9 in a debarment order.

10 (9) "Department" means the department of enterprise services.

11 (10) "Director" means the director of the department of
12 enterprise services.

13 (11) "Estimated useful life" of an item means the estimated time
14 from the date of acquisition to the date of replacement or disposal,
15 determined in any reasonable manner.

16 (12) "Goods" means products, materials, supplies, or equipment
17 provided by a contractor.

18 (13) "In-state business" means a business that has its principal
19 office located in Washington.

20 (14) "Life-cycle cost" means the total cost of an item to the
21 state over its estimated useful life, including costs of selection,
22 acquisition, operation, maintenance, and where applicable, disposal,
23 as far as these costs can reasonably be determined, minus the salvage
24 value at the end of its estimated useful life.

25 (15) "Master contracts" means a contract for specific goods or
26 services, or both, that is solicited and established by the
27 department in accordance with procurement laws and rules on behalf of
28 and for general use by agencies as specified by the department.

29 (16) "Microbusiness" means any business entity, including a sole
30 proprietorship, corporation, partnership, or other legal entity,
31 that: (a) Is owned and operated independently from all other
32 businesses; and (b) has a gross revenue of less than one million
33 dollars annually as reported on its federal tax return or on its
34 return filed with the department of revenue.

35 (17) "Minibusines" means any business entity, including a sole
36 proprietorship, corporation, partnership, or other legal entity,
37 that: (a) Is owned and operated independently from all other
38 businesses; and (b) has a gross revenue of less than three million
39 dollars, but one million dollars or more annually as reported on its

1 federal tax return or on its return filed with the department of
2 revenue.

3 (18) "Polychlorinated biphenyls" means any polychlorinated
4 biphenyl congeners and homologs.

5 (19) "Practical quantification limit" means the lowest
6 concentration that can be reliably measured within specified limits
7 of precision, accuracy, representativeness, completeness, and
8 comparability during routine laboratory operating conditions.

9 (20) "Purchase" means the acquisition of goods or services,
10 including the leasing or renting of goods.

11 (21) "Services" means labor, work, analysis, or similar
12 activities provided by a contractor to accomplish a specific scope of
13 work.

14 (22) "Small business" means an in-state business, including a
15 sole proprietorship, corporation, partnership, or other legal entity,
16 that:

17 (a) Certifies, under penalty of perjury, that it is owned and
18 operated independently from all other businesses and has either:

19 (i) Fifty or fewer employees; or

20 (ii) A gross revenue of less than seven million dollars annually
21 as reported on its federal income tax return or its return filed with
22 the department of revenue over the previous three consecutive years;
23 or

24 (b) Is certified with the office of women and minority business
25 enterprises under chapter 39.19 RCW.

26 (23) "Sole source" means a contractor providing goods or services
27 of such a unique nature or sole availability at the location required
28 that the contractor is clearly and justifiably the only practicable
29 source to provide the goods or services.

30 (24) "Washington grown" has the definition in RCW 15.64.060.

31 **Sec. 13.** RCW 41.06.020 and 2015 3rd sp.s. c 1 s 314 are each
32 amended to read as follows:

33 Unless the context clearly indicates otherwise, the words used in
34 this chapter have the meaning given in this section.

35 (1) "Affirmative action" means a procedure by which racial
36 minorities, women, persons in the protected age category, persons
37 with disabilities, Vietnam-era veterans, and disabled veterans are
38 provided with increased employment opportunities. It shall not mean
39 any sort of quota system.

1 (2) "Agency" means an office, department, board, commission, or
2 other separate unit or division, however designated, of the state
3 government and all personnel thereof; it includes any unit of state
4 government established by law, the executive officer or members of
5 which are either elected or appointed, upon which the statutes confer
6 powers and impose duties in connection with operations of either a
7 governmental or proprietary nature. "Agency" does not include a
8 comprehensive cancer center participating in a collaborative
9 arrangement as defined in section 2 of this act that is operated in
10 conformance with section 2 of this act.

11 (3) "Board" means the Washington personnel resources board
12 established under the provisions of RCW 41.06.110, except that this
13 definition does not apply to the words "board" or "boards" when used
14 in RCW 41.06.070.

15 (4) "Career development" means the progressive development of
16 employee capabilities to facilitate productivity, job satisfaction,
17 and upward mobility through work assignments as well as education and
18 training that are both state-sponsored and are achieved by individual
19 employee efforts, all of which shall be consistent with the needs and
20 obligations of the state and its agencies.

21 (5) "Classified service" means all positions in the state service
22 subject to the provisions of this chapter.

23 (6) "Comparable worth" means the provision of similar salaries
24 for positions that require or impose similar responsibilities,
25 judgments, knowledge, skills, and working conditions.

26 (7) "Competitive service" means all positions in the classified
27 service for which a competitive examination is required as a
28 condition precedent to appointment.

29 (8) "Department" means an agency of government that has as its
30 governing officer a person, or combination of persons such as a
31 commission, board, or council, by law empowered to operate the agency
32 responsible either to (a) no other public officer or (b) the
33 governor.

34 (9) "Director" means the director of financial management or the
35 director's designee.

36 (10) "Institutions of higher education" means the University of
37 Washington, Washington State University, Central Washington
38 University, Eastern Washington University, Western Washington
39 University, The Evergreen State College, and the various state
40 community colleges.

1 (11) "Noncompetitive service" means all positions in the
2 classified service for which a competitive examination is not
3 required.

4 (12) "Related boards" means the state board for community and
5 technical colleges; and such other boards, councils, and commissions
6 related to higher education as may be established.

7 (13) "Training" means activities designed to develop job-related
8 knowledge and skills of employees.

9 **Sec. 14.** RCW 42.17A.005 and 2020 c 152 s 2 are each amended to
10 read as follows:

11 The definitions in this section apply throughout this chapter
12 unless the context clearly requires otherwise.

13 (1) "Actual malice" means to act with knowledge of falsity or
14 with reckless disregard as to truth or falsity.

15 (2) "Agency" includes all state agencies and all local agencies.
16 "State agency" includes every state office, department, division,
17 bureau, board, commission, or other state agency. "Local agency"
18 includes every county, city, town, municipal corporation, quasi-
19 municipal corporation, or special purpose district, or any office,
20 department, division, bureau, board, commission, or agency thereof,
21 or other local public agency. "Agency" does not include a
22 comprehensive cancer center participating in a collaborative
23 arrangement as defined in section 2 of this act that is operated in
24 conformance with section 2 of this act.

25 (3) "Authorized committee" means the political committee
26 authorized by a candidate, or by the public official against whom
27 recall charges have been filed, to accept contributions or make
28 expenditures on behalf of the candidate or public official.

29 (4) "Ballot proposition" means any "measure" as defined by RCW
30 29A.04.091, or any initiative, recall, or referendum proposition
31 proposed to be submitted to the voters of the state or any municipal
32 corporation, political subdivision, or other voting constituency from
33 and after the time when the proposition has been initially filed with
34 the appropriate election officer of that constituency before its
35 circulation for signatures.

36 (5) "Benefit" means a commercial, proprietary, financial,
37 economic, or monetary advantage, or the avoidance of a commercial,
38 proprietary, financial, economic, or monetary disadvantage.

39 (6) "Bona fide political party" means:

1 (a) An organization that has been recognized as a minor political
2 party by the secretary of state;

3 (b) The governing body of the state organization of a major
4 political party, as defined in RCW 29A.04.086, that is the body
5 authorized by the charter or bylaws of the party to exercise
6 authority on behalf of the state party; or

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

11 (7) "Books of account" means:

12 (a) In the case of a campaign or political committee, a ledger or
13 similar listing of contributions, expenditures, and debts, such as a
14 campaign or committee is required to file regularly with the
15 commission, current as of the most recent business day; or

16 (b) In the case of a commercial advertiser, details of political
17 advertising or electioneering communications provided by the
18 advertiser, including the names and addresses of persons from whom it
19 accepted political advertising or electioneering communications, the
20 exact nature and extent of the services rendered and the total cost
21 and the manner of payment for the services.

22 (8) "Candidate" means any individual who seeks nomination for
23 election or election to public office. An individual seeks nomination
24 or election when the individual first:

25 (a) Receives contributions or makes expenditures or reserves
26 space or facilities with intent to promote the individual's candidacy
27 for office;

28 (b) Announces publicly or files for office;

29 (c) Purchases commercial advertising space or broadcast time to
30 promote the individual's candidacy; or

31 (d) Gives consent to another person to take on behalf of the
32 individual any of the actions in (a) or (c) of this subsection.

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

36 (10) "Commercial advertiser" means any person that sells the
37 service of communicating messages or producing material for broadcast
38 or distribution to the general public or segments of the general
39 public whether through brochures, fliers, newspapers, magazines,
40 television, radio, billboards, direct mail advertising, printing,

1 paid internet or digital communications, or any other means of mass
2 communications used for the purpose of appealing, directly or
3 indirectly, for votes or for financial or other support in any
4 election campaign.

5 (11) "Commission" means the agency established under RCW
6 42.17A.100.

7 (12) "Committee" unless the context indicates otherwise, includes
8 a political committee such as a candidate, ballot proposition,
9 recall, political, or continuing political committee.

10 (13) "Compensation" unless the context requires a narrower
11 meaning, includes payment in any form for real or personal property
12 or services of any kind. For the purpose of compliance with RCW
13 42.17A.710, "compensation" does not include per diem allowances or
14 other payments made by a governmental entity to reimburse a public
15 official for expenses incurred while the official is engaged in the
16 official business of the governmental entity.

17 (14) "Continuing political committee" means a political committee
18 that is an organization of continuing existence not limited to
19 participation in any particular election campaign or election cycle.

20 (15)(a) "Contribution" includes:

21 (i) A loan, gift, deposit, subscription, forgiveness of
22 indebtedness, donation, advance, pledge, payment, transfer of funds,
23 or anything of value, including personal and professional services
24 for less than full consideration;

25 (ii) An expenditure made by a person in cooperation,
26 consultation, or concert with, or at the request or suggestion of, a
27 candidate, a political or incidental committee, the person or persons
28 named on the candidate's or committee's registration form who direct
29 expenditures on behalf of the candidate or committee, or their
30 agents;

31 (iii) The financing by a person of the dissemination,
32 distribution, or republication, in whole or in part, of broadcast,
33 written, graphic, digital, or other form of political advertising or
34 electioneering communication prepared by a candidate, a political or
35 incidental committee, or its authorized agent;

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

39 (b) "Contribution" does not include:

1 (i) Accrued interest on money deposited in a political or
2 incidental committee's account;

3 (ii) Ordinary home hospitality;

4 (iii) A contribution received by a candidate or political or
5 incidental committee that is returned to the contributor within ten
6 business days of the date on which it is received by the candidate or
7 political or incidental committee;

8 (iv) A news item, feature, commentary, or editorial in a
9 regularly scheduled news medium that is of interest to the public,
10 that is in a news medium controlled by a person whose business is
11 that news medium, and that is not controlled by a candidate or a
12 political or incidental committee;

13 (v) An internal political communication primarily limited to the
14 members of or contributors to a political party organization or
15 political or incidental committee, or to the officers, management
16 staff, or stockholders of a corporation or similar enterprise, or to
17 the members of a labor organization or other membership organization;

18 (vi) The rendering of personal services of the sort commonly
19 performed by volunteer campaign workers, or incidental expenses
20 personally incurred by volunteer campaign workers not in excess of
21 fifty dollars personally paid for by the worker. "Volunteer
22 services," for the purposes of this subsection, means services or
23 labor for which the individual is not compensated by any person;

24 (vii) Messages in the form of reader boards, banners, or yard or
25 window signs displayed on a person's own property or property
26 occupied by a person. However, a facility used for such political
27 advertising for which a rental charge is normally made must be
28 reported as an in-kind contribution and counts toward any applicable
29 contribution limit of the person providing the facility;

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

31 (A) A political party or caucus political committee if the person
32 paying for the services is the regular employer of the person
33 rendering such services; or

34 (B) A candidate or an authorized committee if the person paying
35 for the services is the regular employer of the individual rendering
36 the services and if the services are solely for the purpose of
37 ensuring compliance with state election or public disclosure laws; or

38 (ix) The performance of ministerial functions by a person on
39 behalf of two or more candidates or political or incidental
40 committees either as volunteer services defined in (b)(vi) of this

1 subsection or for payment by the candidate or political or incidental
2 committee for whom the services are performed as long as:

3 (A) The person performs solely ministerial functions;

4 (B) A person who is paid by two or more candidates or political
5 or incidental committees is identified by the candidates and
6 political committees on whose behalf services are performed as part
7 of their respective statements of organization under RCW 42.17A.205;
8 and

9 (C) The person does not disclose, except as required by law, any
10 information regarding a candidate's or committee's plans, projects,
11 activities, or needs, or regarding a candidate's or committee's
12 contributions or expenditures that is not already publicly available
13 from campaign reports filed with the commission, or otherwise engage
14 in activity that constitutes a contribution under (a)(ii) of this
15 subsection.

16 A person who performs ministerial functions under this subsection
17 (15)(b)(ix) is not considered an agent of the candidate or committee
18 as long as the person has no authority to authorize expenditures or
19 make decisions on behalf of the candidate or committee.

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

27 (16) "Depository" means a bank, mutual savings bank, savings and
28 loan association, or credit union doing business in this state.

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

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

1 (19) "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 (20) "Election cycle" means the period beginning on the first day
5 of January after the date of the last previous general election for
6 the office that the candidate seeks and ending on December 31st after
7 the next election for the office. In the case of a special election
8 to fill a vacancy in an office, "election cycle" means the period
9 beginning on the day the vacancy occurs and ending on December 31st
10 after the special election.

11 (21)(a) "Electioneering communication" means any broadcast,
12 cable, or satellite television, radio transmission, digital
13 communication, United States postal service mailing, billboard,
14 newspaper, or periodical that:

15 (i) Clearly identifies a candidate for a state, local, or
16 judicial office either by specifically naming the candidate, or
17 identifying the candidate without using the candidate's name;

18 (ii) Is broadcast, transmitted electronically or by other means,
19 mailed, erected, distributed, or otherwise published within sixty
20 days before any election for that office in the jurisdiction in which
21 the candidate is seeking election; and

22 (iii) Either alone, or in combination with one or more
23 communications identifying the candidate by the same sponsor during
24 the sixty days before an election, has a fair market value or cost of
25 one thousand dollars or more.

26 (b) "Electioneering communication" does not include:

27 (i) Usual and customary advertising of a business owned by a
28 candidate, even if the candidate is mentioned in the advertising when
29 the candidate has been regularly mentioned in that advertising
30 appearing at least twelve months preceding the candidate becoming a
31 candidate;

32 (ii) Advertising for candidate debates or forums when the
33 advertising is paid for by or on behalf of the debate or forum
34 sponsor, so long as two or more candidates for the same position have
35 been invited to participate in the debate or forum;

36 (iii) A news item, feature, commentary, or editorial in a
37 regularly scheduled news medium that is:

38 (A) Of interest to the public;

39 (B) In a news medium controlled by a person whose business is
40 that news medium; and

1 (C) Not a medium controlled by a candidate or a political or
2 incidental committee;

3 (iv) Slate cards and sample ballots;

4 (v) Advertising for books, films, dissertations, or similar works
5 (A) written by a candidate when the candidate entered into a contract
6 for such publications or media at least twelve months before becoming
7 a candidate, or (B) written about a candidate;

8 (vi) Public service announcements;

9 (vii) An internal political communication primarily limited to
10 the members of or contributors to a political party organization or
11 political or incidental committee, or to the officers, management
12 staff, or stockholders of a corporation or similar enterprise, or to
13 the members of a labor organization or other membership organization;

14 (viii) An expenditure by or contribution to the authorized
15 committee of a candidate for state, local, or judicial office; or

16 (ix) Any other communication exempted by the commission through
17 rule consistent with the intent of this chapter.

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

33 (23) "Final report" means the report described as a final report
34 in RCW 42.17A.235(11) (a).

35 (24) "Foreign national" means:

36 (a) An individual who is not a citizen of the United States and
37 is not lawfully admitted for permanent residence;

38 (b) A government, or subdivision, of a foreign country;

39 (c) A foreign political party; and

1 (d) Any entity, such as a partnership, association, corporation,
2 organization, or other combination of persons, that is organized
3 under the laws of or has its principal place of business in a foreign
4 country.

5 (25) "General election" for the purposes of RCW 42.17A.405 means
6 the election that results in the election of a person to a state or
7 local office. It does not include a primary.

8 (26) "Gift" has the definition in RCW 42.52.010.

9 (27) "Immediate family" includes the spouse or domestic partner,
10 dependent children, and other dependent relatives, if living in the
11 household. For the purposes of the definition of "intermediary" in
12 this section, "immediate family" means an individual's spouse or
13 domestic partner, and child, stepchild, grandchild, parent,
14 stepparent, grandparent, brother, half brother, sister, or half
15 sister of the individual and the spouse or the domestic partner of
16 any such person and a child, stepchild, grandchild, parent,
17 stepparent, grandparent, brother, half brother, sister, or half
18 sister of the individual's spouse or domestic partner and the spouse
19 or the domestic partner of any such person.

20 (28) "Incidental committee" means any nonprofit organization not
21 otherwise defined as a political committee but that may incidentally
22 make a contribution or an expenditure in excess of the reporting
23 thresholds in RCW 42.17A.235, directly or through a political
24 committee. Any nonprofit organization is not an incidental committee
25 if it is only remitting payments through the nonprofit organization
26 in an aggregated form and the nonprofit organization is not required
27 to report those payments in accordance with this chapter.

28 (29) "Incumbent" means a person who is in present possession of
29 an elected office.

30 (30)(a) "Independent expenditure" means an expenditure that has
31 each of the following elements:

32 (i) It is made in support of or in opposition to a candidate for
33 office by a person who is not:

34 (A) A candidate for that office;

35 (B) An authorized committee of that candidate for that office;

36 and

37 (C) A person who has received the candidate's encouragement or
38 approval to make the expenditure, if the expenditure pays in whole or
39 in part for political advertising supporting that candidate or

1 promoting the defeat of any other candidate or candidates for that
2 office;

3 (ii) It is made in support of or in opposition to a candidate for
4 office by a person with whom the candidate has not collaborated for
5 the purpose of making the expenditure, if the expenditure pays in
6 whole or in part for political advertising supporting that candidate
7 or promoting the defeat of any other candidate or candidates for that
8 office;

9 (iii) The expenditure pays in whole or in part for political
10 advertising that either specifically names the candidate supported or
11 opposed, or clearly and beyond any doubt identifies the candidate
12 without using the candidate's name; and

13 (iv) The expenditure, alone or in conjunction with another
14 expenditure or other expenditures of the same person in support of or
15 opposition to that candidate, has a value of one thousand dollars or
16 more. A series of expenditures, each of which is under one thousand
17 dollars, constitutes one independent expenditure if their cumulative
18 value is one thousand dollars or more.

19 (b) "Independent expenditure" does not include: Ordinary home
20 hospitality; communications with journalists or editorial staff
21 designed to elicit a news item, feature, commentary, or editorial in
22 a regularly scheduled news medium that is of primary interest to the
23 general public, controlled by a person whose business is that news
24 medium, and not controlled by a candidate or a political committee;
25 participation in the creation of a publicly funded voters' pamphlet
26 statement in written or video form; an internal political
27 communication primarily limited to contributors to a political party
28 organization or political action committee, the officers, management
29 staff, and stockholders of a corporation or similar enterprise, or
30 the members of a labor organization or other membership organization;
31 or the rendering of personal services of the sort commonly performed
32 by volunteer campaign workers or incidental expenses personally
33 incurred by volunteer campaign workers not in excess of two hundred
34 fifty dollars personally paid for by the worker.

35 (31)(a) "Intermediary" means an individual who transmits a
36 contribution to a candidate or committee from another person unless
37 the contribution is from the individual's employer, immediate family,
38 or an association to which the individual belongs.

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

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

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

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

12 (33) "Legislative office" means the office of a member of the
13 state house of representatives or the office of a member of the state
14 senate.

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

23 (35) "Lobbyist" includes any person who lobbies either on the
24 person's own or another's behalf.

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

28 (37) "Ministerial functions" means an act or duty carried out as
29 part of the duties of an administrative office without exercise of
30 personal judgment or discretion.

31 (38) "Participate" means that, with respect to a particular
32 election, an entity:

33 (a) Makes either a monetary or in-kind contribution to a
34 candidate;

35 (b) Makes an independent expenditure or electioneering
36 communication in support of or opposition to a candidate;

37 (c) Endorses a candidate before contributions are made by a
38 subsidiary corporation or local unit with respect to that candidate
39 or that candidate's opponent;

1 (d) Makes a recommendation regarding whether a candidate should
2 be supported or opposed before a contribution is made by a subsidiary
3 corporation or local unit with respect to that candidate or that
4 candidate's opponent; or

5 (e) Directly or indirectly collaborates or consults with a
6 subsidiary corporation or local unit on matters relating to the
7 support of or opposition to a candidate, including, but not limited
8 to, the amount of a contribution, when a contribution should be
9 given, and what assistance, services or independent expenditures, or
10 electioneering communications, if any, will be made or should be made
11 in support of or opposition to a candidate.

12 (39) "Person" includes an individual, partnership, joint venture,
13 public or private corporation, association, federal, state, or local
14 governmental entity or agency however constituted, candidate,
15 committee, political committee, political party, executive committee
16 thereof, or any other organization or group of persons, however
17 organized.

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

24 (41) "Political committee" means any person (except a candidate
25 or an individual dealing with the candidate's or individual's own
26 funds or property) having the expectation of receiving contributions
27 or making expenditures in support of, or opposition to, any candidate
28 or any ballot proposition.

29 (42) "Primary" for the purposes of RCW 42.17A.405 means the
30 procedure for nominating a candidate to state or local office under
31 chapter 29A.52 RCW or any other primary for an election that uses, in
32 large measure, the procedures established in chapter 29A.52 RCW.

33 (43) "Public office" means any federal, state, judicial, county,
34 city, town, school district, port district, special district, or
35 other state political subdivision elective office.

36 (44) "Public record" has the definition in RCW 42.56.010.

37 (45) "Recall campaign" means the period of time beginning on the
38 date of the filing of recall charges under RCW 29A.56.120 and ending
39 thirty days after the recall election.

1 (46) "Remediable violation" means any violation of this chapter
2 that:

3 (a) Involved expenditures or contributions totaling no more than
4 the contribution limits set out under RCW 42.17A.405(2) per election,
5 or one thousand dollars if there is no statutory limit;

6 (b) Occurred:

7 (i) More than thirty days before an election, where the
8 commission entered into an agreement to resolve the matter; or

9 (ii) At any time where the violation did not constitute a
10 material violation because it was inadvertent and minor or otherwise
11 has been cured and, after consideration of all the circumstances,
12 further proceedings would not serve the purposes of this chapter;

13 (c) Does not materially harm the public interest, beyond the harm
14 to the policy of this chapter inherent in any violation; and

15 (d) Involved:

16 (i) A person who:

17 (A) Took corrective action within five business days after the
18 commission first notified the person of noncompliance, or where the
19 commission did not provide notice and filed a required report within
20 twenty-one days after the report was due to be filed; and

21 (B) Substantially met the filing deadline for all other required
22 reports within the immediately preceding twelve-month period; or

23 (ii) A candidate who:

24 (A) Lost the election in question; and

25 (B) Did not receive contributions over one hundred times the
26 contribution limit in aggregate per election during the campaign in
27 question.

28 (47) (a) "Sponsor" for purposes of an electioneering
29 communications, independent expenditures, or political advertising
30 means the person paying for the electioneering communication,
31 independent expenditure, or political advertising. If a person acts
32 as an agent for another or is reimbursed by another for the payment,
33 the original source of the payment is the sponsor.

34 (b) "Sponsor," for purposes of a political or incidental
35 committee, means any person, except an authorized committee, to whom
36 any of the following applies:

37 (i) The committee receives eighty percent or more of its
38 contributions either from the person or from the person's members,
39 officers, employees, or shareholders;

1 (ii) The person collects contributions for the committee by use
2 of payroll deductions or dues from its members, officers, or
3 employees.

4 (48) "Sponsored committee" means a committee, other than an
5 authorized committee, that has one or more sponsors.

6 (49) "State office" means state legislative office or the office
7 of governor, lieutenant governor, secretary of state, attorney
8 general, commissioner of public lands, insurance commissioner,
9 superintendent of public instruction, state auditor, or state
10 treasurer.

11 (50) "State official" means a person who holds a state office.

12 (51) "Surplus funds" mean, in the case of a political committee
13 or candidate, the balance of contributions that remain in the
14 possession or control of that committee or candidate subsequent to
15 the election for which the contributions were received, and that are
16 in excess of the amount necessary to pay remaining debts or expenses
17 incurred by the committee or candidate with respect to that election.
18 In the case of a continuing political committee, "surplus funds" mean
19 those contributions remaining in the possession or control of the
20 committee that are in excess of the amount necessary to pay all
21 remaining debts or expenses when it makes its final report under RCW
22 42.17A.255.

23 (52) "Technical correction" means the correction of a minor or
24 ministerial error in a required report that does not materially harm
25 the public interest and needs to be corrected for the report to be in
26 full compliance with the requirements of this chapter.

27 (53) "Treasurer" and "deputy treasurer" mean the individuals
28 appointed by a candidate or political or incidental committee,
29 pursuant to RCW 42.17A.210, to perform the duties specified in that
30 section.

31 (54) "Violation" means a violation of this chapter that is not a
32 remediable violation, minor violation, or an error classified by the
33 commission as appropriate to address by a technical correction.

34 **Sec. 15.** RCW 42.52.010 and 2011 c 60 s 28 are each reenacted and
35 amended to read as follows:

36 Unless the context clearly requires otherwise, the definitions in
37 this section apply throughout this chapter.

38 (1) "Agency" means any state board, commission, bureau,
39 committee, department, institution, division, or tribunal in the

1 legislative, executive, or judicial branch of state government.
2 "Agency" includes all elective offices, the state legislature, those
3 institutions of higher education created and supported by the state
4 government, and those courts that are parts of state government.
5 "Agency" does not include a comprehensive cancer center participating
6 in a collaborative arrangement as defined in section 2 of this act
7 that is operated in conformance with section 2 of this act.

8 (2) "Assist" means to act, or offer or agree to act, in such a
9 way as to help, aid, advise, furnish information to, or otherwise
10 provide assistance to another person, believing that the action is of
11 help, aid, advice, or assistance to the person and with intent so to
12 assist such person.

13 (3) "Beneficial interest" has the meaning ascribed to it under
14 the Washington case law. However, an ownership interest in a mutual
15 fund or similar investment pooling fund in which the owner has no
16 management powers does not constitute a beneficial interest in the
17 entities in which the fund or pool invests.

18 (4) "Compensation" means anything of economic value, however
19 designated, that is paid, loaned, granted, or transferred, or to be
20 paid, loaned, granted, or transferred for, or in consideration of,
21 personal services to any person.

22 (5) "Confidential information" means (a) specific information,
23 rather than generalized knowledge, that is not available to the
24 general public on request or (b) information made confidential by
25 law.

26 (6) "Contract" or "grant" means an agreement between two or more
27 persons that creates an obligation to do or not to do a particular
28 thing. "Contract" or "grant" includes, but is not limited to, an
29 employment contract, a lease, a license, a purchase agreement, or a
30 sales agreement.

31 (7) "Ethics boards" means the commission on judicial conduct, the
32 legislative ethics board, and the executive ethics board.

33 (8) "Family" has the same meaning as "immediate family" in RCW
34 42.17A.005.

35 (9) "Gift" means anything of economic value for which no
36 consideration is given. "Gift" does not include:

37 (a) Items from family members or friends where it is clear beyond
38 a reasonable doubt that the gift was not made as part of any design
39 to gain or maintain influence in the agency of which the recipient is
40 an officer or employee;

1 (b) Items related to the outside business of the recipient that
2 are customary and not related to the recipient's performance of
3 official duties;

4 (c) Items exchanged among officials and employees or a social
5 event hosted or sponsored by a state officer or state employee for
6 coworkers;

7 (d) Payments by a governmental or nongovernmental entity of
8 reasonable expenses incurred in connection with a speech,
9 presentation, appearance, or trade mission made in an official
10 capacity. As used in this subsection, "reasonable expenses" are
11 limited to travel, lodging, and subsistence expenses incurred the day
12 before through the day after the event;

13 (e) Items a state officer or state employee is authorized by law
14 to accept;

15 (f) Payment of enrollment and course fees and reasonable travel
16 expenses attributable to attending seminars and educational programs
17 sponsored by a bona fide governmental or nonprofit professional,
18 educational, trade, or charitable association or institution. As used
19 in this subsection, "reasonable expenses" are limited to travel,
20 lodging, and subsistence expenses incurred the day before through the
21 day after the event;

22 (g) Items returned by the recipient to the donor within thirty
23 days of receipt or donated to a charitable organization within thirty
24 days of receipt;

25 (h) Campaign contributions reported under chapter 42.17A RCW;

26 (i) Discounts available to an individual as a member of an
27 employee group, occupation, or similar broad-based group; and

28 (j) Awards, prizes, scholarships, or other items provided in
29 recognition of academic or scientific achievement.

30 (10) "Head of agency" means the chief executive officer of an
31 agency. In the case of an agency headed by a commission, board,
32 committee, or other body consisting of more than one natural person,
33 agency head means the person or board authorized to appoint agency
34 employees and regulate their conduct.

35 (11) "Honorarium" means money or thing of value offered to a
36 state officer or state employee for a speech, appearance, article, or
37 similar item or activity in connection with the state officer's or
38 state employee's official role.

39 (12) "Official duty" means those duties within the specific scope
40 of employment of the state officer or state employee as defined by

1 the officer's or employee's agency or by statute or the state
2 Constitution.

3 (13) "Participate" means to participate in state action or a
4 proceeding personally and substantially as a state officer or state
5 employee, through approval, disapproval, decision, recommendation,
6 the rendering of advice, investigation, or otherwise but does not
7 include preparation, consideration, or enactment of legislation or
8 the performance of legislative duties.

9 (14) "Person" means any individual, partnership, association,
10 corporation, firm, institution, or other entity, whether or not
11 operated for profit.

12 (15) "Regulatory agency" means any state board, commission,
13 department, or officer, except those in the legislative or judicial
14 branches, authorized by law to conduct adjudicative proceedings,
15 issue permits or licenses, or to control or affect interests of
16 identified persons.

17 (16) "Responsibility" in connection with a transaction involving
18 the state, means the direct administrative or operating authority,
19 whether intermediate or final, and either exercisable alone or
20 through subordinates, effectively to approve, disapprove, or
21 otherwise direct state action in respect of such transaction.

22 (17) "State action" means any action on the part of an agency,
23 including, but not limited to:

- 24 (a) A decision, determination, finding, ruling, or order; and
- 25 (b) A grant, payment, award, license, contract, transaction,
26 sanction, or approval, or the denial thereof, or failure to act with
27 respect to a decision, determination, finding, ruling, or order.

28 (18) "State employee" means an individual who is employed by an
29 agency in any branch of state government. For purposes of this
30 chapter, employees of the superior courts are not state officers or
31 state employees.

32 (19) "State officer" means every person holding a position of
33 public trust in or under an executive, legislative, or judicial
34 office of the state. "State officer" includes judges of the superior
35 court, judges of the court of appeals, justices of the supreme court,
36 members of the legislature together with the secretary of the senate
37 and the chief clerk of the house of representatives, holders of
38 elective offices in the executive branch of state government, chief
39 executive officers of state agencies, members of boards, commissions,
40 or committees with authority over one or more state agencies or

1 institutions, and employees of the state who are engaged in
2 supervisory, policy-making, or policy-enforcing work. For the
3 purposes of this chapter, "state officer" also includes any person
4 exercising or undertaking to exercise the powers or functions of a
5 state officer.

6 (20) "Thing of economic value," in addition to its ordinary
7 meaning, includes:

8 (a) A loan, property interest, interest in a contract or other
9 chose in action, and employment or another arrangement involving a
10 right to compensation;

11 (b) An option, irrespective of the conditions to the exercise of
12 the option; and

13 (c) A promise or undertaking for the present or future delivery
14 or procurement.

15 (21)(a) "Transaction involving the state" means a proceeding,
16 application, submission, request for a ruling or other determination,
17 contract, claim, case, or other similar matter that the state
18 officer, state employee, or former state officer or state employee in
19 question believes, or has reason to believe:

20 (i) Is, or will be, the subject of state action; or

21 (ii) Is one to which the state is or will be a party; or

22 (iii) Is one in which the state has a direct and substantial
23 proprietary interest.

24 (b) "Transaction involving the state" does not include the
25 following: Preparation, consideration, or enactment of legislation,
26 including appropriation of moneys in a budget, or the performance of
27 legislative duties by an officer or employee; or a claim, case,
28 lawsuit, or similar matter if the officer or employee did not
29 participate in the underlying transaction involving the state that is
30 the basis for the claim, case, or lawsuit.

31 (22) "University" includes "state universities" and "regional
32 universities" as defined in RCW 28B.10.016 and also includes any
33 research or technology institute affiliated with a university(~~(~~
34 ~~including without limitation, the Spokane intercollegiate research~~
35 ~~and technology institute and the Washington technology center)~~).
36

37 (23) "University research employee" means a state officer or
38 state employee employed by a university, but only to the extent the
state officer or state employee is engaged in research, technology

1 transfer, approved consulting activities related to research and
2 technology transfer, or other incidental activities.

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