
HOUSE BILL 1005

State of Washington 63rd Legislature 2013 Regular Session

By Representatives Moeller, Wylie, Reykdal, Appleton, Ryu, Morrell, McCoy, Seaquist, Moscoso, Hudgins, Ormsby, and Pollet

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1 AN ACT Relating to the public disclosure commission concerning
2 responsibilities and funding; amending RCW 42.52.320, 42.52.360,
3 42.52.390, 42.52.400, 42.52.410, 42.52.420, 42.52.425, 42.52.430,
4 42.52.440, 42.52.450, 42.52.460, 42.52.470, 42.52.480, 42.52.490,
5 42.52.500, 42.52.510, 42.52.530, 42.52.540, 42.17A.100, 42.17A.705,
6 42.40.020, and 43.15.020; reenacting and amending RCW 42.52.010 and
7 9.95.003; adding new sections to chapter 42.17A RCW; creating new
8 sections; repealing RCW 42.52.310, 42.52.340, 42.52.350, 42.52.380, and
9 42.52.550; providing effective dates; and declaring an emergency.

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

11 NEW SECTION. **Sec. 1.** The legislature intends to restructure
12 ethics functions under the public disclosure commission in order to
13 unify processes and functions and cut costs. The legislature also
14 finds that the public is entitled to complete disclosure regarding the
15 influence of money in politics. Therefore, the legislature intends to
16 increase disclosure by requiring electronic filing by lobbyists.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 42.17A RCW
18 to read as follows:

1 (1) All agencies required to report under RCW 42.17A.635 must file
2 all reports required by this chapter electronically over the internet
3 as provided by the commission under RCW 42.17A.055.

4 (2) No later than January 1, 2014, all lobbyists and lobbyists'
5 employers required to file reports under RCW 42.17A.600, 42.17A.615,
6 42.17A.625, or 42.17A.630 must file all reports required by this
7 chapter electronically over the internet as provided by the commission
8 under RCW 42.17A.055.

9 NEW SECTION. **Sec. 3.** A new section is added to chapter 42.17A RCW
10 to read as follows:

11 (1) The following persons and individuals must pay an annual fee to
12 the commission:

13 (a) Every political committee must pay a fee of two hundred dollars
14 to the commission each calendar year that it is required to report
15 under RCW 42.17A.205, 42.17A.210, 42.17A.220, 42.17A.225, 42.17A.235,
16 or 42.17A.250;

17 (b) Every lobbyist whose total reportable accrued compensation for
18 lobbying, whether from or on behalf of one or more lobbyists'
19 employers, was ten thousand dollars or more for the previous calendar
20 year must pay a fee of two hundred dollars to the commission each
21 calendar year that it is required to report under RCW 42.17A.600,
22 42.17A.615, 42.17A.630, or 42.17A.640;

23 (c) Every lobbyist employer whose total reportable accrued expenses
24 and payments for lobbying, including those through or on behalf of one
25 or more lobbyists, was ten thousand dollars or more for the previous
26 calendar year, must pay a fee of two hundred dollars to the commission
27 each calendar year that it is required to report under RCW 42.17A.600,
28 42.17A.615, 42.17A.630, or 42.17A.640;

29 (d) Every government entity that employs more than fifty full-time
30 equivalent employees must pay a fee of one hundred fifty dollars each
31 calendar year that it is required to report under RCW 42.17A.635(5);
32 and

33 (e) Every elected official that receives a salary or compensation
34 for duties performed related to that office in excess of ten thousand
35 dollars and is required to report under RCW 42.17A.700 must pay a fee
36 of two hundred dollars to the commission for each calendar year he or
37 she is an elected official and is required to report.

1 (2) No person or individual may be required to pay more than one
2 fee in a calendar year under this section. Any person may appeal a fee
3 to the commission if more than one fee under this section is imposed on
4 the person in a calendar year.

5 (3) The commission shall adopt rules and procedures to implement
6 this section.

7 NEW SECTION. **Sec. 4.** A new section is added to chapter 42.17A RCW
8 to read as follows:

9 (1) The public disclosure electronic filing account is created in
10 the custody of the state treasurer. All receipts from fees paid under
11 section 3 of this act must be deposited into the account. Expenditures
12 from the account may be used only for costs incurred as a result of the
13 design, development, implementation, and maintenance of:

14 (a) Computer hardware and software or other applications to
15 accommodate electronic filing of the reports required by this chapter;
16 and

17 (b) A database and query system compatible with current
18 architecture, technology, and operating systems that result in readily
19 available data to the public for review and analysis.

20 (2) Only the executive director of the public disclosure
21 commission, or the executive director's designee, may authorize
22 expenditures from the account. The account is subject to allotment
23 procedures under chapter 43.88 RCW, but an appropriation is not
24 required for expenditures.

25 **Sec. 5.** RCW 42.52.010 and 2011 c 60 s 28 are each reenacted and
26 amended to read as follows:

27 Unless the context clearly requires otherwise, the definitions in
28 this section apply throughout this chapter.

29 (1) "Agency" means any state board, commission, bureau, committee,
30 department, institution, division, or tribunal in the legislative,
31 executive, or judicial branch of state government. "Agency" includes
32 all elective offices, the state legislature, those institutions of
33 higher education created and supported by the state government, and
34 those courts that are parts of state government.

35 (2) "Assist" means to act, or offer or agree to act, in such a way
36 as to help, aid, advise, furnish information to, or otherwise provide

1 assistance to another person, believing that the action is of help,
2 aid, advice, or assistance to the person and with intent so to assist
3 such person.

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

9 (4) "Commission" means the commission on judicial conduct or the
10 public disclosure commission.

11 (5) "Compensation" means anything of economic value, however
12 designated, that is paid, loaned, granted, or transferred, or to be
13 paid, loaned, granted, or transferred for, or in consideration of,
14 personal services to any person.

15 ((+5)) (6) "Confidential information" means (a) specific
16 information, rather than generalized knowledge, that is not available
17 to the general public on request or (b) information made confidential
18 by law.

19 ((+6)) (7) "Contract" or "grant" means an agreement between two or
20 more persons that creates an obligation to do or not to do a particular
21 thing. "Contract" or "grant" includes, but is not limited to, an
22 employment contract, a lease, a license, a purchase agreement, or a
23 sales agreement.

24 (~~(7) "Ethics boards" means the commission on judicial conduct, the~~
25 ~~legislative ethics board, and the executive ethics board.~~)

26 (8) "Family" has the same meaning as "immediate family" in RCW
27 42.17A.005.

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

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

34 (b) Items related to the outside business of the recipient that are
35 customary and not related to the recipient's performance of official
36 duties;

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

1 (d) Payments by a governmental or nongovernmental entity of
2 reasonable expenses incurred in connection with a speech, presentation,
3 appearance, or trade mission made in an official capacity. As used in
4 this subsection, "reasonable expenses" are limited to travel, lodging,
5 and subsistence expenses incurred the day before through the day after
6 the event;

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

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

16 (g) Items returned by the recipient to the donor within thirty days
17 of receipt or donated to a charitable organization within thirty days
18 of receipt;

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

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

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

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

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

33 (12) "Official duty" means those duties within the specific scope
34 of employment of the state officer or state employee as defined by the
35 officer's or employee's agency or by statute or the state Constitution.

36 (13) "Participate" means to participate in state action or a
37 proceeding personally and substantially as a state officer or state
38 employee, through approval, disapproval, decision, recommendation, the

1 rendering of advice, investigation, or otherwise but does not include
2 preparation, consideration, or enactment of legislation or the
3 performance of legislative duties.

4 (14) "Person" means any individual, partnership, association,
5 corporation, firm, institution, or other entity, whether or not
6 operated for profit.

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

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

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

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

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

27 (19) "State officer" means every person holding a position of
28 public trust in or under an executive, legislative, or judicial office
29 of the state. "State officer" includes judges of the superior court,
30 judges of the court of appeals, justices of the supreme court, members
31 of the legislature together with the secretary of the senate and the
32 chief clerk of the house of representatives, holders of elective
33 offices in the executive branch of state government, chief executive
34 officers of state agencies, members of boards, commissions, or
35 committees with authority over one or more state agencies or
36 institutions, and employees of the state who are engaged in
37 supervisory, policy-making, or policy-enforcing work. For the purposes

1 of this chapter, "state officer" also includes any person exercising or
2 undertaking to exercise the powers or functions of a state officer.

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

5 (a) A loan, property interest, interest in a contract or other
6 chose in action, and employment or another arrangement involving a
7 right to compensation;

8 (b) An option, irrespective of the conditions to the exercise of
9 the option; and

10 (c) A promise or undertaking for the present or future delivery or
11 procurement.

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

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

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

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

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

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

33 (23) "University research employee" means a state officer or state
34 employee employed by a university, but only to the extent the state
35 officer or state employee is engaged in research, technology transfer,
36 approved consulting activities related to research and technology
37 transfer, or other incidental activities.

1 **Sec. 6.** RCW 42.52.320 and 1994 c 154 s 202 are each amended to
2 read as follows:

3 (1) The (~~legislative ethics board~~) public disclosure commission
4 created in chapter 42.17A RCW shall enforce this chapter and rules
5 adopted under it with respect to members and employees of the
6 legislature, statewide elected officers and all other officers and
7 employees in the executive branch, boards and commissions, and
8 institutions of higher education. This section does not apply to state
9 officers and state employees of the judicial branch.

10 (2) The (~~legislative ethics board~~) commission shall:

11 (a) Develop educational materials and training with regard to
12 (~~legislative~~) ethics for (~~legislators and legislative employees~~)
13 state employees under its jurisdiction;

14 (b) Issue advisory opinions;

15 (c) Adopt rules or policies governing the conduct of business by
16 the (~~board~~) commission, and adopt rules defining working hours for
17 purposes of RCW 42.52.180 and where otherwise authorized under chapter
18 154, Laws of 1994;

19 (d) Investigate, hear, and determine complaints by any person or on
20 its own motion;

21 (e) Impose sanctions including reprimands and monetary penalties;

22 (f) Recommend suspension or removal to the appropriate legislative
23 entity, or recommend prosecution to the appropriate authority; and

24 (g) Establish criteria regarding the levels of civil penalties
25 appropriate for different types of violations of this chapter and rules
26 adopted under it.

27 (3) The (~~board~~) commission may:

28 (a) Issue subpoenas for the attendance and testimony of witnesses
29 and the production of documentary evidence relating to any matter under
30 examination by the (~~board~~) commission or involved in any hearing;

31 (b) Administer oaths and affirmations;

32 (c) Examine witnesses; and

33 (d) Receive evidence.

34 (~~(4) Subject to RCW 42.52.540, the board has jurisdiction over any~~
35 ~~alleged violation that occurred before January 1, 1995, and that was~~
36 ~~within the jurisdiction of any of the boards established under chapter~~
37 ~~44.60 RCW. The board's jurisdiction with respect to any such alleged~~

1 ~~violation shall be based on the statutes and rules in effect at [the]~~
2 ~~time of the violation.))~~

3 **Sec. 7.** RCW 42.52.360 and 2005 c 106 s 5 are each amended to read
4 as follows:

5 (1) The ~~((executive ethics board))~~ public disclosure commission
6 shall enforce this chapter and rules adopted under it ~~((with respect to~~
7 ~~statewide elected officers and all other officers and employees in the~~
8 ~~executive branch, boards and commissions, and institutions of higher~~
9 ~~education.~~

10 ~~(2) The executive ethics board shall enforce this chapter))~~ with
11 regard to the activities of university research employees as provided
12 in this ~~((subsection))~~ section.

13 (2)(a) With respect to compliance with RCW 42.52.030, 42.52.110,
14 42.52.130, 42.52.140, and 42.52.150, the administrative process shall
15 be consistent with and adhere to no less than the current standards in
16 regulations of the United States public health service and the office
17 of the secretary of the department of health and human services in
18 Title 42 C.F.R. Part 50, Subpart F relating to promotion of objectivity
19 in research.

20 (b) With respect to compliance with RCW 42.52.040, 42.52.080, and
21 42.52.120, the administrative process shall include a comprehensive
22 system for the disclosure, review, and approval of outside work
23 activities by university research employees while assuring that such
24 employees are fulfilling their employment obligations to the
25 university.

26 (c) With respect to compliance with RCW 42.52.160, the
27 administrative process shall include a reasonable determination by the
28 university of acceptable private uses having de minimis costs to the
29 university and a method for establishing fair and reasonable
30 reimbursement charges for private uses the costs of which are in excess
31 of de minimis.

32 ~~((3) The executive ethics board shall:~~

33 ~~(a) Develop educational materials and training;~~

34 ~~(b) Adopt rules and policies governing the conduct of business by~~
35 ~~the board, and adopt rules defining working hours for purposes of RCW~~
36 ~~42.52.180 and where otherwise authorized under chapter 154, Laws of~~
37 ~~1994;~~

1 ~~(c) Issue advisory opinions;~~
2 ~~(d) Investigate, hear, and determine complaints by any person or on~~
3 ~~its own motion;~~
4 ~~(e) Impose sanctions including reprimands and monetary penalties;~~
5 ~~(f) Recommend to the appropriate authorities suspension, removal~~
6 ~~from position, prosecution, or other appropriate remedy; and~~
7 ~~(g) Establish criteria regarding the levels of civil penalties~~
8 ~~appropriate for violations of this chapter and rules adopted under it.~~
9 ~~(4) The board may:~~
10 ~~(a) Issue subpoenas for the attendance and testimony of witnesses~~
11 ~~and the production of documentary evidence relating to any matter under~~
12 ~~examination by the board or involved in any hearing;~~
13 ~~(b) Administer oaths and affirmations;~~
14 ~~(c) Examine witnesses; and~~
15 ~~(d) Receive evidence.~~
16 ~~(5) Except as provided in RCW 42.52.220, the executive ethics board~~
17 ~~may review and approve agency policies as provided for in this chapter.~~
18 ~~(6) This section does not apply to state officers and state~~
19 ~~employees of the judicial branch.))~~

20 **Sec. 8.** RCW 42.52.390 and 1994 c 154 s 209 are each amended to
21 read as follows:

22 Except as otherwise provided by law, the ~~((ethics boards))~~ public
23 disclosure commission and the commission on judicial conduct may hold
24 hearings, subpoena witnesses, compel their attendance, administer
25 oaths, take the testimony of a person under oath, and in connection
26 therewith, to require the production for examination of any books or
27 papers relating to any matter under investigation or in question before
28 the ~~((ethics board))~~ commissions. The ~~((ethics board))~~ commissions may
29 make rules as to the issuance of subpoenas by individual members, as to
30 service of complaints, decisions, orders, recommendations, and other
31 process or papers of the ~~((ethics board))~~ commissions.

32 **Sec. 9.** RCW 42.52.400 and 1994 c 154 s 210 are each amended to
33 read as follows:

34 In case of refusal to obey a subpoena issued to a person, the
35 superior court of a county within the jurisdiction of which the
36 investigation, proceeding, or hearing under this chapter is carried on

1 or within the jurisdiction of which the person refusing to obey is
2 found or resides or transacts business, upon application by the
3 appropriate ((ethics board)) commission shall have jurisdiction to
4 issue to the person an order requiring the person to appear before the
5 ((ethics board or its member)) commission to produce evidence if so
6 ordered, or to give testimony touching the matter under investigation
7 or in question. Failure to obey such order of the court may be
8 punished by the court as contempt.

9 **Sec. 10.** RCW 42.52.410 and 1994 c 154 s 211 are each amended to
10 read as follows:

11 (1) A person may, personally or by his or her attorney, make, sign,
12 and file with the appropriate ((ethics board)) commission a complaint
13 on a form provided by the appropriate ((ethics board)) commission. The
14 complaint shall state the name of the person alleged to have violated
15 this chapter or rules adopted under it and the particulars thereof, and
16 contain such other information as may be required by the appropriate
17 ((ethics board)) commission.

18 (2) If it has reason to believe that any person has been engaged or
19 is engaging in a violation of this chapter or rules adopted under it,
20 ((an ethics board)) the appropriate commission may issue a complaint.

21 **Sec. 11.** RCW 42.52.420 and 2000 c 211 s 1 are each amended to read
22 as follows:

23 (1) After the filing of any complaint, except as provided in RCW
24 42.52.450, the staff of the appropriate ((ethics board)) commission
25 shall investigate the complaint. The investigation shall be limited to
26 the allegations contained in the complaint.

27 (2) The results of the investigation shall be reduced to writing
28 and the staff shall either make a determination that the complaint
29 should be dismissed pursuant to RCW 42.52.425, or recommend to the
30 ((board)) appropriate commission that there is or that there is not
31 reasonable cause to believe that a violation of this chapter or rules
32 adopted under it has been or is being committed.

33 (3) The ((board's)) commission's determination on reasonable cause
34 shall be provided to the complainant and to the person named in such
35 complaint.

1 **Sec. 12.** RCW 42.52.425 and 2005 c 116 s 1 are each amended to read
2 as follows:

3 (1) Based on the investigation conducted under RCW 42.52.420 or
4 42.52.450, and subject to rules issued by each ((~~board~~)) commission,
5 the ((~~board~~)) commission or the staff of the appropriate ((~~ethics~~
6 ~~board~~)) commission may issue an order of dismissal based on any of the
7 following findings:

8 (a) Any violation that may have occurred is not within the
9 jurisdiction of the ((~~board~~)) commission;

10 (b) The complaint is obviously unfounded or frivolous; or

11 (c) Any violation that may have occurred does not constitute a
12 material violation because it was inadvertent and minor, or has been
13 cured, and, after consideration of all of the circumstances, further
14 proceedings would not serve the purposes of this chapter.

15 (2) Written notice of the determination under subsection (1) of
16 this section shall be provided to the complainant, respondent, and the
17 ((~~board~~)) commission. The written notice to the complainant shall
18 include a statement of the complainant's right to appeal to the
19 ((~~board~~)) commission under subsection (3) of this section if the
20 dismissal order was issued by staff.

21 (3) In the event that a complaint is dismissed by staff under this
22 section, the complainant may request that the ((~~board~~)) commission
23 review the action. Following review, the ((~~board~~)) commission shall:

24 (a) Affirm the staff dismissal of the complaint;

25 (b) Direct the staff to conduct further investigation; or

26 (c) Issue a determination that there is reasonable cause to believe
27 that a violation has been or is being committed.

28 (4) The ((~~board's~~)) commission's decision under subsection (3) of
29 this section shall be reduced to writing and provided to the
30 complainant and the respondent.

31 **Sec. 13.** RCW 42.52.430 and 1994 c 154 s 213 are each amended to
32 read as follows:

33 (1) If the ((~~ethics—board~~)) commission determines there is
34 reasonable cause under RCW 42.52.420 that a violation of this chapter
35 or rules adopted under it occurred, a public hearing on the merits of
36 the complaint shall be held.

1 (2) The (~~ethics board~~) commission shall designate the location of
2 the hearing. The case in support of the complaint shall be presented
3 at the hearing by staff of the (~~ethics board~~) commission.

4 (3) The respondent shall file a written answer to the complaint and
5 appear at the hearing in person or otherwise, with or without counsel,
6 and submit testimony and be fully heard. The respondent has the right
7 to cross-examine witnesses.

8 (4) Testimony taken at the hearing shall be under oath and
9 recorded.

10 (5) If, based upon a preponderance of the evidence, the (~~ethics
11 board~~) commission finds that the respondent has violated this chapter
12 or rules adopted under it, the (~~board~~) commission shall file an order
13 stating findings of fact and enforcement action as authorized under
14 this chapter.

15 (6) If, upon all the evidence, the (~~ethics board~~) commission
16 finds that the respondent has not engaged in an alleged violation of
17 this chapter or rules adopted under it, the (~~ethics board~~) commission
18 shall state findings of fact and shall similarly issue and file an
19 order dismissing the complaint.

20 (7) If the (~~board~~) commission makes a determination that there is
21 not reasonable cause to believe that a violation has been or is being
22 committed or has made a finding under subsection (6) of this section,
23 the attorney general shall represent the officer or employee in any
24 action subsequently commenced based on the alleged facts in the
25 complaint.

26 **Sec. 14.** RCW 42.52.440 and 1994 c 154 s 214 are each amended to
27 read as follows:

28 Except as otherwise provided by law, reconsideration or judicial
29 review of (~~an ethics board's~~) a commission's order that a violation
30 of this chapter or rules adopted under it has occurred shall be
31 governed by the provisions of chapter 34.05 RCW applicable to review of
32 adjudicative proceedings.

33 **Sec. 15.** RCW 42.52.450 and 2005 c 116 s 2 are each amended to read
34 as follows:

35 (1) If a complaint alleges a violation of RCW 42.52.180 by a
36 legislator or statewide elected official other than the attorney

1 general, the attorney general shall, if requested by the appropriate
2 ((ethics—board)) commission, conduct the investigation under RCW
3 42.52.420 and recommend action.

4 (2) If a complaint alleges a violation of RCW 42.52.180 by the
5 attorney general, the state auditor shall conduct the investigation
6 under RCW 42.52.420 and recommend action to the ((appropriate—ethics
7 board)) public disclosure commission.

8 **Sec. 16.** RCW 42.52.460 and 1994 c 154 s 216 are each amended to
9 read as follows:

10 Any person who has notified the appropriate ((ethics—board))
11 commission and the attorney general in writing that there is reason to
12 believe that RCW 42.52.180 is being or has been violated may, in the
13 name of the state, bring a citizen action for any of the actions
14 authorized under this chapter. A citizen action may be brought only if
15 the appropriate ((ethics—board)) commission or the attorney general
16 have failed to commence an action under this chapter within forty-five
17 days after notice from the person, the person has thereafter notified
18 the appropriate ((ethics—board)) commission and the attorney general
19 that the person will commence a citizen's action within ten days upon
20 their failure to commence an action, and the appropriate ((ethics
21 board)) commission and the attorney general have in fact failed to
22 bring an action within ten days of receipt of the second notice.

23 If the person who brings the citizen's action prevails, the
24 judgment awarded shall escheat to the state, but the person shall be
25 entitled to be reimbursed by the state of Washington for costs and
26 attorneys' fees incurred. If a citizen's action that the court finds
27 was brought without reasonable cause is dismissed, the court may order
28 the person commencing the action to pay all costs of trial and
29 reasonable attorneys' fees incurred by the defendant.

30 Upon commencement of a citizen action under this section, at the
31 request of a state officer or state employee who is a defendant, the
32 office of the attorney general shall represent the defendant if the
33 attorney general finds that the defendant's conduct complied with this
34 chapter and was within the scope of employment.

35 **Sec. 17.** RCW 42.52.470 and 1994 c 154 s 217 are each amended to
36 read as follows:

1 As (~~appropriate, an ethics board~~) applicable, the appropriate
2 commission may refer a complaint:

3 (1) To an agency for initial investigation and proposed resolution
4 which shall be referred back to the appropriate (~~ethics board~~)
5 commission for action; or

6 (2) To the attorney general's office or prosecutor for appropriate
7 action.

8 **Sec. 18.** RCW 42.52.480 and 1994 c 154 s 218 are each amended to
9 read as follows:

10 (1) Except as otherwise provided by law, (~~an ethics board~~) the
11 public disclosure commission or the commission on judicial conduct may
12 order payment of the following amounts if it finds a violation of this
13 chapter or rules adopted under it after a hearing under RCW 42.52.370
14 or other applicable law:

15 (a) Any damages sustained by the state that are caused by the
16 conduct constituting the violation;

17 (b) From each such person, a civil penalty of up to five thousand
18 dollars per violation or three times the economic value of any thing
19 received or sought in violation of this chapter or rules adopted under
20 it, whichever is greater; and

21 (c) Costs, including reasonable investigative costs, which shall be
22 included as part of the limit under (b) of this subsection. The costs
23 may not exceed the penalty imposed. The payment owed on the penalty
24 shall be reduced by the amount of the costs paid.

25 (2) Damages under this section may be enforced in the same manner
26 as a judgment in a civil case.

27 **Sec. 19.** RCW 42.52.490 and 1994 c 154 s 219 are each amended to
28 read as follows:

29 (1) Upon a written determination by the attorney general that the
30 action of (~~an ethics board~~) a commission was clearly erroneous or if
31 requested by (~~an ethics board~~) a commission, the attorney general may
32 bring a civil action in the superior court of the county in which the
33 violation is alleged to have occurred against a state officer, state
34 employee, former state officer, former state employee, or other person
35 who has violated or knowingly assisted another person in violating any

1 of the provisions of this chapter or the rules adopted under it. In
2 such action the attorney general may recover the following amounts on
3 behalf of the state of Washington:

4 (a) Any damages sustained by the state that are caused by the
5 conduct constituting the violation;

6 (b) From each such person, a civil penalty of up to five thousand
7 dollars per violation or three times the economic value of any thing
8 received or sought in violation of this chapter or the rules adopted
9 under it, whichever is greater; and

10 (c) Costs, including reasonable investigative costs, which shall be
11 included as part of the limit under (b) of this subsection. The costs
12 may not exceed the penalty imposed. The payment owed on the penalty
13 shall be reduced by the amount of the costs paid.

14 (2) In any civil action brought by the attorney general upon the
15 basis that the attorney general has determined that the ((~~board's~~))
16 commission's action was clearly erroneous, the court shall not proceed
17 with the action unless the attorney general has first shown, and the
18 court has found, that the action of the ((~~board~~)) commission was
19 clearly erroneous.

20 **Sec. 20.** RCW 42.52.500 and 1994 c 154 s 220 are each amended to
21 read as follows:

22 If ((~~an ethics board~~)) a commission finds that there is reasonable
23 cause to believe that a violation has occurred, the ((~~board~~))
24 commission shall consider the possibility of the alleged violator
25 having to pay a total amount of penalty and costs of more than five
26 hundred dollars. Based on such consideration, the ((~~board~~)) commission
27 may give the person who is the subject of the complaint the option to
28 have an administrative law judge conduct the hearing and rule on
29 procedural and evidentiary matters. The ((~~board~~)) commission may also,
30 on its own initiative, provide for retaining an administrative law
31 judge. ((~~An ethics board~~)) A commission may not require total payment
32 of more than five hundred dollars in penalty and costs in any case
33 where an administrative law judge is not used and the ((~~board~~))
34 commission did not give such option to the person who is the subject of
35 the complaint.

1 **Sec. 21.** RCW 42.52.510 and 1994 c 154 s 221 are each amended to
2 read as follows:

3 (1) The attorney general may, on request of the governor or the
4 appropriate agency, and in addition to other available rights of
5 rescission, bring an action in the superior court of Thurston county to
6 cancel or rescind state action taken by a state officer or state
7 employee, without liability to the state of Washington, contractual or
8 otherwise, if the governor or (~~ethics board~~) the appropriate
9 commission has reason to believe that: (a) A violation of this chapter
10 or rules adopted under it has substantially influenced the state
11 action, and (b) the interest of the state requires the cancellation or
12 rescission. The governor may suspend state action pending the
13 determination of the merits of the controversy under this section. The
14 court may permit persons affected by the governor's actions to post an
15 adequate bond pending such resolution to ensure compliance by the
16 defendant with the final judgment, decree, or other order of the court.

17 (2) This section does not limit other available remedies.

18 **Sec. 22.** RCW 42.52.530 and 1994 c 154 s 223 are each amended to
19 read as follows:

20 In addition to other authority under this chapter, the attorney
21 general may investigate persons not under the jurisdiction of (~~an~~
22 ~~ethics board~~) a commission whom the attorney general has reason to
23 believe were involved in transactions in violation of this chapter or
24 rules adopted under it.

25 **Sec. 23.** RCW 42.52.540 and 1994 c 154 s 224 are each amended to
26 read as follows:

27 Any action taken under this chapter must be commenced within five
28 years from the date of the violation. However, if it is shown that the
29 violation was not discovered because of concealment by the person
30 charged, then the action must be commenced within two years from the
31 date the violation was discovered or reasonably should have been
32 discovered: (1) By any person with direct or indirect supervisory
33 responsibilities over the person who allegedly committed the violation;
34 or (2) if no person has direct or indirect supervisory authority over
35 the person who committed the violation, by the appropriate (~~ethics~~
36 ~~board~~) commission.

1 NEW SECTION. **Sec. 24.** On the effective date of this section, any
2 complaints or other matters under investigation or consideration by the
3 legislative ethics board or the executive ethics board under this
4 chapter shall be transferred to the public disclosure commission
5 created in RCW 42.17A.100. All files, including but not limited to
6 minutes of meetings, investigative files, records of proceedings,
7 exhibits, and expense records, shall be transferred to the public
8 disclosure commission and the public disclosure commission shall assume
9 full jurisdiction over all pending complaints, investigations, and
10 proceedings.

11 **Sec. 25.** RCW 9.95.003 and 2011 1st sp.s. c 40 s 15 and 2011 c 336
12 s 336 are each reenacted and amended to read as follows:

13 (1) The board is created within the department. The board shall
14 consist of a chair and four other members, each of whom shall be
15 appointed by the governor with the consent of the senate. Each member
16 shall hold office for a term of five years, and until his or her
17 successor is appointed and qualified. The terms shall expire on April
18 15th of the expiration year. Vacancies in the membership of the board
19 shall be filled by appointment by the governor with the consent of the
20 senate. In the event of the inability of any member to act, the
21 governor shall appoint some competent person to act in his or her stead
22 during the continuance of such inability. The members shall not be
23 removable during their respective terms except for cause determined by
24 the superior court of Thurston county. The governor in appointing the
25 members shall designate one of them to serve as chair at the governor's
26 pleasure. The appointed chair shall serve as a fully participating
27 board member.

28 (2) The department shall provide administrative and staff support
29 for the board. The secretary may employ a senior administrative
30 officer and such other personnel as may be necessary to assist the
31 board in carrying out its duties.

32 (3) The members of the board and staff assigned to the board shall
33 not engage in any other business or profession or hold any other public
34 office without the prior approval of the (~~executive ethics board~~)
35 public disclosure commission indicating compliance with RCW 42.52.020,
36 42.52.030, 42.52.040, and 42.52.120; nor shall they, at the time of
37 appointment or employment or during their incumbency, serve as the

1 representative of any political party on an executive committee or
2 other governing body thereof, or as an executive officer or employee of
3 any political committee or association. The members of the board shall
4 each severally receive salaries fixed by the governor in accordance
5 with the provisions of RCW 43.03.040, and in addition shall receive
6 travel expenses incurred in the discharge of their official duties in
7 accordance with RCW 43.03.050 and 43.03.060.

8 **Sec. 26.** RCW 42.17A.100 and 2010 c 204 s 301 are each amended to
9 read as follows:

10 (1) The public disclosure commission is established. The
11 commission shall be composed of (~~five~~) seven members appointed by the
12 governor, with the consent of the senate. All appointees shall be
13 persons of the highest integrity and qualifications. No more than
14 (~~three~~) four members shall have an identification with the same
15 political party.

16 (2)(a) Except as provided in (b) of this subsection, the term of
17 each member shall be five years. No member is eligible for appointment
18 to more than one full term. Any member may be removed by the governor,
19 but only upon grounds of neglect of duty or misconduct in office.

20 (b) In order to stagger terms, the initial terms of the two members
21 appointed as a result of chapter . . . , Laws of 2013 (this act) shall
22 be two years and five years.

23 (3) During his or her tenure, a member of the commission is
24 prohibited from engaging in any of the following activities, either
25 within or outside the state of Washington:

26 (a) Holding or campaigning for elective office;

27 (b) Serving as an officer of any political party or political
28 committee;

29 (c) Permitting his or her name to be used in support of or in
30 opposition to a candidate or proposition;

31 (d) Soliciting (~~or making~~) contributions to a candidate or (~~in~~
32 ~~support of or in opposition to any candidate or~~) to a proposition.
33 Commission members may make contributions to a candidate or to a
34 proposition but must report such contributions to the commission at the
35 time the contribution is made. Contributions made by commission
36 members under this subsection must be posted on the commission's web
37 site;

1 (e) Participating in any way in any election campaign; or

2 (f) Lobbying, employing, or assisting a lobbyist, except that a
3 member or the staff of the commission may lobby to the limited extent
4 permitted by RCW 42.17A.635 on matters directly affecting this chapter.

5 (4) A vacancy on the commission shall be filled within thirty days
6 of the vacancy by the governor, with the consent of the senate, and the
7 appointee shall serve for the remaining term of his or her predecessor.
8 A vacancy shall not impair the powers of the remaining members to
9 exercise all of the powers of the commission.

10 (5) (~~Three~~) Four members of the commission shall constitute a
11 quorum. The commission shall elect its own chair and adopt its own
12 rules of procedure in the manner provided in chapter 34.05 RCW.

13 (6) Members shall be compensated in accordance with RCW 43.03.250
14 and shall be reimbursed for travel expenses incurred while engaged in
15 the business of the commission as provided in RCW 43.03.050 and
16 43.03.060. The compensation provided pursuant to this section shall
17 not be considered salary for purposes of the provisions of any
18 retirement system created under the laws of this state.

19 **Sec. 27.** RCW 42.17A.705 and 2012 c 229 s 582 are each amended to
20 read as follows:

21 For the purposes of RCW 42.17A.700, "executive state officer"
22 includes:

23 (1) The chief administrative law judge, the director of
24 agriculture, the director of the department of services for the blind,
25 the chief information officer of the office of chief information
26 officer, the director of the state system of community and technical
27 colleges, the director of commerce, the director of the consolidated
28 technology services agency, the secretary of corrections, the director
29 of early learning, the director of ecology, the commissioner of
30 employment security, the chair of the energy facility site evaluation
31 council, the director of enterprise services, the secretary of the
32 state finance committee, the director of financial management, the
33 director of fish and wildlife, the executive secretary of the forest
34 practices appeals board, the director of the gambling commission, the
35 secretary of health, the administrator of the Washington state health
36 care authority, the executive secretary of the health care facilities
37 authority, the executive secretary of the higher education facilities

1 authority, the executive secretary of the horse racing commission, the
2 human resources director, the executive secretary of the human rights
3 commission, the executive secretary of the indeterminate sentence
4 review board, the executive director of the state investment board, the
5 director of labor and industries, the director of licensing, the
6 director of the lottery commission, the director of the office of
7 minority and women's business enterprises, the director of parks and
8 recreation, the executive director of the public disclosure commission,
9 the executive director of the Puget Sound partnership, the director of
10 the recreation and conservation office, the director of retirement
11 systems, the director of revenue, the secretary of social and health
12 services, the chief of the Washington state patrol, the executive
13 secretary of the board of tax appeals, the secretary of transportation,
14 the secretary of the utilities and transportation commission, the
15 director of veterans affairs, the president of each of the regional and
16 state universities and the president of The Evergreen State College,
17 and each district and each campus president of each state community
18 college;

19 (2) Each professional staff member of the office of the governor;

20 (3) Each professional staff member of the legislature; and

21 (4) Central Washington University board of trustees, the boards of
22 trustees of each community college and each technical college, each
23 member of the state board for community and technical colleges, state
24 convention and trade center board of directors, Eastern Washington
25 University board of trustees, Washington economic development finance
26 authority, Washington energy northwest executive board, The Evergreen
27 State College board of trustees, (~~executive ethics board,~~) fish and
28 wildlife commission, forest practices appeals board, forest practices
29 board, gambling commission, Washington health care facilities
30 authority, student achievement council, higher education facilities
31 authority, horse racing commission, state housing finance commission,
32 human rights commission, indeterminate sentence review board, board of
33 industrial insurance appeals, state investment board, commission on
34 judicial conduct, (~~legislative ethics board,~~) life sciences discovery
35 fund authority board of trustees, liquor control board, lottery
36 commission, Pacific Northwest electric power and conservation planning
37 council, parks and recreation commission, Washington personnel
38 resources board, board of pilotage commissioners, pollution control

1 hearings board, public disclosure commission, public employees'
2 benefits board, recreation and conservation funding board, salmon
3 recovery funding board, shorelines hearings board, board of tax
4 appeals, transportation commission, University of Washington board of
5 regents, utilities and transportation commission, Washington State
6 University board of regents, and Western Washington University board of
7 trustees.

8 **Sec. 28.** RCW 42.40.020 and 2008 c 266 s 2 are each amended to read
9 as follows:

10 As used in this chapter, the terms defined in this section shall
11 have the meanings indicated unless the context clearly requires
12 otherwise.

13 (1) "Auditor" means the office of the state auditor.

14 (2) "Employee" means any individual employed or holding office in
15 any department or agency of state government.

16 (3) "Good faith" means the individual providing the information or
17 report of improper governmental activity has a reasonable basis in fact
18 for reporting or providing the information. An individual who
19 knowingly provides or reports, or who reasonably ought to know he or
20 she is providing or reporting, malicious, false, or frivolous
21 information, or information that is provided with reckless disregard
22 for the truth, or who knowingly omits relevant information is not
23 acting in good faith.

24 (4) "Gross mismanagement" means the exercise of management
25 responsibilities in a manner grossly deviating from the standard of
26 care or competence that a reasonable person would observe in the same
27 situation.

28 (5) "Gross waste of funds" means to spend or use funds or to allow
29 funds to be used without valuable result in a manner grossly deviating
30 from the standard of care or competence that a reasonable person would
31 observe in the same situation.

32 (6)(a) "Improper governmental action" means any action by an
33 employee undertaken in the performance of the employee's official
34 duties:

35 (i) Which is a gross waste of public funds or resources as defined
36 in this section;

1 (ii) Which is in violation of federal or state law or rule, if the
2 violation is not merely technical or of a minimum nature;

3 (iii) Which is of substantial and specific danger to the public
4 health or safety;

5 (iv) Which is gross mismanagement; or

6 (v) Which prevents the dissemination of scientific opinion or
7 alters technical findings without scientifically valid justification,
8 unless state law or a common law privilege prohibits disclosure. This
9 provision is not meant to preclude the discretion of agency management
10 to adopt a particular scientific opinion or technical finding from
11 among differing opinions or technical findings to the exclusion of
12 other scientific opinions or technical findings. Nothing in this
13 subsection prevents or impairs a state agency's or public official's
14 ability to manage its public resources or its employees in the
15 performance of their official job duties. This subsection does not
16 apply to de minimis, technical disagreements that are not relevant for
17 otherwise improper governmental activity. Nothing in this provision
18 requires the auditor to contract or consult with external experts
19 regarding the scientific validity, invalidity, or justification of a
20 finding or opinion.

21 (b) "Improper governmental action" does not include personnel
22 actions, for which other remedies exist, including but not limited to
23 employee grievances, complaints, appointments, promotions, transfers,
24 assignments, reassignments, reinstatements, restorations,
25 reemployments, performance evaluations, reductions in pay, dismissals,
26 suspensions, demotions, violations of the state civil service law,
27 alleged labor agreement violations, reprimands, claims of
28 discriminatory treatment, or any action which may be taken under
29 chapter 41.06 RCW, or other disciplinary action except as provided in
30 RCW 42.40.030.

31 (7) "Public official" means the attorney general's designee or
32 designees; the director, or equivalent thereof in the agency where the
33 employee works; an appropriate number of individuals designated to
34 receive whistleblower reports by the head of each agency; or the
35 (~~executive ethics board~~) public disclosure commission.

36 (8) "Substantial and specific danger" means a risk of serious
37 injury, illness, peril, or loss, to which the exposure of the public is

1 a gross deviation from the standard of care or competence which a
2 reasonable person would observe in the same situation.

3 (9) "Use of official authority or influence" includes threatening,
4 taking, directing others to take, recommending, processing, or
5 approving any personnel action such as an appointment, promotion,
6 transfer, assignment including but not limited to duties and office
7 location, reassignment, reinstatement, restoration, reemployment,
8 performance evaluation, determining any material changes in pay,
9 provision of training or benefits, tolerance of a hostile work
10 environment, or any adverse action under chapter 41.06 RCW, or other
11 disciplinary action.

12 (10)(a) "Whistleblower" means:

13 (i) An employee who in good faith reports alleged improper
14 governmental action to the auditor or other public official, as defined
15 in subsection (7) of this section, initiating an investigation by the
16 auditor under RCW 42.40.040; or

17 (ii) An employee who is perceived by the employer as reporting,
18 whether they did or not, alleged improper governmental action to the
19 auditor or other public official, as defined in subsection (7) of this
20 section, initiating an investigation by the auditor under RCW
21 42.40.040.

22 (b) For purposes of the provisions of this chapter and chapter
23 49.60 RCW relating to reprisals and retaliatory action, the term
24 "whistleblower" also means:

25 (i) An employee who in good faith provides information to the
26 auditor or other public official, as defined in subsection (7) of this
27 section, in connection with an investigation under RCW 42.40.040 and an
28 employee who is believed to have reported asserted improper
29 governmental action to the auditor or other public official, as defined
30 in subsection (7) of this section, or to have provided information to
31 the auditor or other public official, as defined in subsection (7) of
32 this section, in connection with an investigation under RCW 42.40.040
33 but who, in fact, has not reported such action or provided such
34 information; or

35 (ii) An employee who in good faith identifies rules warranting
36 review or provides information to the rules review committee, and an
37 employee who is believed to have identified rules warranting review or

1 provided information to the rules review committee but who, in fact,
2 has not done so.

3 **Sec. 29.** RCW 43.15.020 and 2011 c 158 s 12 are each amended to
4 read as follows:

5 The lieutenant governor serves as president of the senate and is
6 responsible for making appointments to, and serving on, the committees
7 and boards as set forth in this section.

8 (1) The lieutenant governor serves on the following boards and
9 committees:

10 (a) Capitol furnishings preservation committee, RCW 27.48.040;

11 (b) Washington higher education facilities authority, RCW
12 28B.07.030;

13 (c) Productivity board, also known as the employee involvement and
14 recognition board, RCW 41.60.015;

15 (d) State finance committee, RCW 43.33.010;

16 (e) State capitol committee, RCW 43.34.010;

17 (f) Washington health care facilities authority, RCW 70.37.030;

18 (g) State medal of merit nominating committee, RCW 1.40.020;

19 (h) Medal of valor committee, RCW 1.60.020; and

20 (i) Association of Washington generals, RCW 43.15.030.

21 (2) The lieutenant governor, and when serving as president of the
22 senate, appoints members to the following boards and committees:

23 (a) Civil legal aid oversight committee, RCW 2.53.010;

24 (b) Office of public defense advisory committee, RCW 2.70.030;

25 (c) Washington state gambling commission, RCW 9.46.040;

26 (d) Sentencing guidelines commission, RCW 9.94A.860;

27 (e) State building code council, RCW 19.27.070;

28 (f) Financial education public-private partnership, RCW
29 28A.300.450;

30 (g) Joint administrative rules review committee, RCW 34.05.610;

31 (h) Capital projects advisory review board, RCW 39.10.220;

32 (i) Select committee on pension policy, RCW 41.04.276;

33 (j) (~~Legislative ethics board, RCW 42.52.310;~~

34 ~~(k))~~) Washington citizens' commission on salaries, RCW 43.03.305;

35 ((~~l~~)) (k) Legislative oral history committee, RCW 44.04.325;

36 ((~~m~~)) (l) State council on aging, RCW 43.20A.685;

37 ((~~n~~)) (m) State investment board, RCW 43.33A.020;

1 ~~((o))~~ (n) Capitol campus design advisory committee, RCW
2 43.34.080;
3 ~~((p))~~ (o) Washington state arts commission, RCW 43.46.015;
4 ~~((q) Information services board, RCW 43.105.032;~~
5 ~~(r) Council for children and families, RCW 43.121.020;~~
6 ~~(s))~~ (p) PNWER-Net working subgroup under chapter 43.147 RCW;
7 ~~((t))~~ (q) Community economic revitalization board, RCW
8 43.160.030;
9 ~~((u))~~ (r) Washington economic development finance authority, RCW
10 43.163.020;
11 ~~((v))~~ (s) Life sciences discovery fund authority, RCW 43.350.020;
12 ~~((w))~~ (t) Legislative children's oversight committee, RCW
13 44.04.220;
14 ~~((x))~~ (u) Joint legislative audit and review committee, RCW
15 44.28.010;
16 ~~((y))~~ (v) Joint committee on energy supply and energy
17 conservation, RCW 44.39.015;
18 ~~((z))~~ (w) Legislative evaluation and accountability program
19 committee, RCW 44.48.010;
20 ~~((aa) Agency council on coordinated transportation, RCW~~
21 ~~47.06B.020;~~
22 ~~(bb))~~ (x) Washington horse racing commission, RCW 67.16.014;
23 ~~((cc))~~ (y) Correctional industries board of directors, RCW
24 72.09.080;
25 ~~((dd))~~ (z) Joint committee on veterans' and military affairs, RCW
26 73.04.150;
27 ~~((ee))~~ (aa) Joint legislative committee on water supply during
28 drought, RCW 90.86.020;
29 ~~((ff))~~ (bb) Statute law committee, RCW 1.08.001; and
30 ~~((gg))~~ (cc) Joint legislative oversight committee on trade
31 policy, RCW 44.55.020.

32 NEW SECTION. **Sec. 30.** The following acts or parts of acts are
33 each repealed:

- 34 (1) RCW 42.52.310 (Legislative ethics board) and 1994 c 154 s 201;
35 (2) RCW 42.52.340 (Transfer of jurisdiction) and 1994 c 154 s 204;
36 (3) RCW 42.52.350 (Executive ethics board) and 1994 c 154 s 205;

1 (4) RCW 42.52.380 (Political activities of board members) and 2011
2 c 60 s 32, 1997 c 11 s 1, & 1994 c 154 s 208; and

3 (5) RCW 42.52.550 (Compensation of ethics boards) and 1994 c 154 s
4 227.

5 NEW SECTION. **Sec. 31.** Sections 2 through 4 of this act take
6 effect January 1, 2014.

7 NEW SECTION. **Sec. 32.** Sections 1 and 5 through 30 of this act are
8 necessary for the immediate preservation of the public peace, health,
9 or safety, or support of the state government and its existing public
10 institutions, and take effect July 1, 2013.

--- END ---