
SENATE BILL 6225

State of Washington 53rd Legislature 1994 Regular Session

By Senators Williams, Drew, Quigley and Sheldon

Read first time 01/17/94. Referred to Committee on Law & Justice.

1 AN ACT Relating to lobbying by public agencies; and amending RCW
2 42.17.190.

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

4 **Sec. 1.** RCW 42.17.190 and 1986 c 239 s 1 are each amended to read
5 as follows:

6 (1) Every legislator and every committee of the legislature shall
7 file with the commission quarterly reports listing the names,
8 addresses, and salaries of all persons employed by the person or
9 committee making the filing for the purpose of aiding in the
10 preparation or enactment of legislation or the performance of
11 legislative duties of such legislator or committee during the preceding
12 quarter. The reports shall be made in the form and the manner
13 prescribed by the commission and shall be filed between the first and
14 tenth days of each calendar quarter: PROVIDED, That the information
15 required by this subsection may be supplied, insofar as it is
16 available, by the chief clerk of the house of representatives or by the
17 secretary of the senate on a form prepared by the commission.

18 (2) Unless authorized by subsection (3) of this section or
19 otherwise expressly authorized by law, no public funds may be used

1 directly or indirectly for lobbying: PROVIDED, This does not prevent
2 officers or employees of an agency from communicating with a member of
3 the legislature on the request of that member; or communicating to the
4 legislature, through the proper official channels, requests for
5 legislative action or appropriations which are deemed necessary for the
6 efficient conduct of the public business or actually made in the proper
7 performance of their official duties: PROVIDED FURTHER, That this
8 subsection does not apply to the legislative branch.

9 (3) Any agency, not otherwise expressly authorized by law, may
10 expend public funds for lobbying, but such lobbying activity shall be
11 conducted only by a person employed by the agency. Such a person may
12 not lobby for other than public agencies. The agency's lobbying
13 activity must be limited to (a) providing information or communicating
14 on matters pertaining to official agency business to any elected
15 official or officer or employee of any agency or (b) advocating the
16 official position or interests of the agency to any elected official or
17 officer or employee of any agency: PROVIDED, That public funds may not
18 be expended as a direct or indirect gift or campaign contribution to
19 any elected official or officer or employee of any agency. For the
20 purposes of this subsection, the term "gift" means a voluntary transfer
21 of any thing of value without consideration of equal or greater value,
22 but does not include informational material transferred for the sole
23 purpose of informing the recipient about matters pertaining to official
24 agency business: PROVIDED FURTHER, That this section does not permit
25 the printing of a state publication which has been otherwise prohibited
26 by law.

27 (4) No elective official or any employee of his or her office or
28 any person appointed to or employed by any public office or agency may
29 use or authorize the use of any of the facilities of a public office or
30 agency, directly or indirectly, in any effort to support or oppose an
31 initiative to the legislature. "Facilities of a public office or
32 agency" has the same meaning as in RCW 42.17.130. The provisions of
33 this subsection shall not apply to the following activities:

34 (a) Action taken at an open public meeting by members of an elected
35 legislative body to express a collective decision, or to actually vote
36 upon a motion, proposal, resolution, order, or ordinance, or to support
37 or oppose an initiative to the legislature so long as (i) any required
38 notice of the meeting includes the title and number of the initiative
39 to the legislature, and (ii) members of the legislative body or members

1 of the public are afforded an approximately equal opportunity for the
2 expression of an opposing view;

3 (b) A statement by an elected official in support of or in
4 opposition to any initiative to the legislature at an open press
5 conference or in response to a specific inquiry;

6 (c) Activities which are part of the normal and regular conduct of
7 the office or agency.

8 (5)(a) Each state agency, county, city, town, municipal
9 corporation, quasi-municipal corporation, or special purpose district
10 which expends public funds for lobbying shall file with the commission,
11 except as exempted by ~~((d))~~ (b) of this subsection, quarterly
12 statements providing the following information for the quarter just
13 completed:

14 ~~((a))~~ (i) The name of the agency filing the statement;

15 ~~((b))~~ (ii) The name, title, and job description and salary of
16 each elected official, officer, or employee who lobbied, a general
17 description of the nature of the lobbying, and the proportionate amount
18 of time spent on the lobbying;

19 ~~((c))~~ (iii) A listing of expenditures incurred by the agency for
20 lobbying including but not limited to travel, consultant or other
21 special contractual services, and brochures and other publications, the
22 principal purpose of which is to influence legislation;

23 ~~((d))~~ (b) For purposes of this subsection the term "lobbying"
24 does not include:

25 (i) Requests for appropriations by a state agency to the office of
26 financial management pursuant to chapter 43.88 RCW nor requests by the
27 office of financial management to the legislature for appropriations
28 other than its own agency budget requests;

29 (ii) Recommendations or reports to the legislature in response to
30 a legislative request expressly requesting or directing a specific
31 study, recommendation, or report by an agency on a particular subject;

32 (iii) Official reports including recommendations submitted to the
33 legislature on an annual or biennial basis by a state agency as
34 required by law;

35 (iv) Requests, recommendations, or other communication between or
36 within state agencies or between or within local agencies;

37 (v) Any other lobbying to the extent that it includes:

38 (A) Telephone conversations or preparation of written
39 correspondence;

1 (B) In-person lobbying on behalf of an agency of no more than four
2 days or parts thereof during any three-month period by officers or
3 employees of that agency and in-person lobbying by any elected official
4 of such agency on behalf of such agency or in connection with the
5 powers, duties, or compensation of such official: PROVIDED, That the
6 total expenditures of nonpublic funds made in connection with such
7 lobbying for or on behalf of any one or more members of the legislature
8 or state elected officials or public officers or employees of the state
9 of Washington do not exceed fifteen dollars for any three-month period:
10 PROVIDED FURTHER, That the exemption under this subsection is in
11 addition to the exemption provided in (A) of this subsection;

12 (C) Preparation or adoption of policy positions.

13 The statements shall be in the form and the manner prescribed by
14 the commission and shall be filed within one month after the end of the
15 quarter covered by the report.

16 (6) In lieu of reporting under subsection (5) of this section any
17 county, city, town, municipal corporation, quasi municipal corporation,
18 or special purpose district may determine and so notify the public
19 disclosure commission, that elected officials, officers, or employees
20 who on behalf of any such local agency engage in lobbying reportable
21 under subsection (5) of this section shall register and report such
22 reportable lobbying in the same manner as a lobbyist who is required to
23 register and report under RCW 42.17.150 and 42.17.170. Each such local
24 agency shall report as a lobbyist employer pursuant to RCW 42.17.180.

25 (7) The provisions of this section do not relieve any elected
26 official or officer or employee of an agency from complying with other
27 provisions of this chapter, if such elected official, officer, or
28 employee is not otherwise exempted.

29 (8) The purpose of this section is to require each state agency and
30 certain local agencies to report the identities of those persons who
31 lobby on behalf of the agency for compensation, together with certain
32 separately identifiable and measurable expenditures of an agency's
33 funds for that purpose. This section shall be reasonably construed to
34 accomplish that purpose and not to require any agency to report any of
35 its general overhead cost or any other costs which relate only
36 indirectly or incidentally to lobbying or which are equally
37 attributable to or inseparable from nonlobbying activities of the
38 agency.

1 The public disclosure commission may adopt rules clarifying and
2 implementing this legislative interpretation and policy.

--- END ---