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**SENATE BILL 5861**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Senators Dhingra, Rivers, Hunt, Wellman, Hasegawa, Darneille, Saldaña, Cleveland, Conway, Frockt, Keiser, Kuderer, Liias, Palumbo, Randall, and Wilson, C.

AN ACT Relating to extending respectful workplace code of conduct provisions to all members of the legislative community; amending RCW 42.17A.105, 42.17A.600, 42.17A.605, and 42.17A.655; adding new sections to chapter 42.17A RCW; and providing an effective date.

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

**Sec.**  RCW 42.17A.105 and 2010 c 204 s 302 are each amended to read as follows:

The commission shall:

(1) Develop and provide forms for the reports and statements required to be made under this chapter;

(2) Prepare and publish a manual setting forth recommended uniform methods of bookkeeping and reporting for use by persons required to make reports and statements under this chapter;

(3) Compile and maintain a current list of all filed reports and statements;

(4) Investigate whether properly completed statements and reports have been filed within the times required by this chapter;

(5) Upon complaint or upon its own motion, investigate and report apparent violations of this chapter to the appropriate law enforcement authorities;

(6) Conduct a sufficient number of audits and field investigations to provide a statistically valid finding regarding the degree of compliance with the provisions of this chapter by all required filers. Any documents, records, reports, computer files, papers, or materials provided to the commission for use in conducting audits and investigations must be returned to the candidate, campaign, or political committee from which they were received within one week of the commission's completion of an audit or field investigation;

(7) Prepare and publish an annual report to the governor as to the effectiveness of this chapter and its enforcement by appropriate law enforcement authorities;

(8) Enforce this chapter according to the powers granted it by law;

(9) Adopt rules governing the arrangement, handling, indexing, and disclosing of those reports required by this chapter to be filed with a county auditor or county elections official. The rules shall:

(a) Ensure ease of access by the public to the reports; and

(b) Include, but not be limited to, requirements for indexing the reports by the names of candidates or political committees and by the ballot proposition for or against which a political committee is receiving contributions or making expenditures;

(10) Adopt rules to carry out the policies of chapter 348, Laws of 2006. The adoption of these rules is not subject to the time restrictions of RCW 42.17A.110(1);

(11) Adopt administrative rules establishing requirements for filer participation in any system designed and implemented by the commission for the electronic filing of reports; ((~~and~~))

(12) Maintain and make available to the public and political committees of this state a toll-free telephone number; and

(13) Develop and provide a training course for the lobbyist respectful workplace code of conduct developed under section 6 of this act.

**Sec.**  RCW 42.17A.600 and 2010 c 204 s 801 are each amended to read as follows:

(1) Before lobbying, or within thirty days after being employed as a lobbyist, whichever occurs first, a lobbyist shall register by filing with the commission a lobbyist registration statement, in such detail as the commission shall prescribe, that includes the following information:

(a) The lobbyist's name, permanent business address, and any temporary residential and business addresses in Thurston county during the legislative session;

(b) The name, address and occupation or business of the lobbyist's employer;

(c) The duration of the lobbyist's employment;

(d) The compensation to be received for lobbying, the amount to be paid for expenses, and what expenses are to be reimbursed;

(e) Whether the lobbyist is employed solely as a lobbyist or whether the lobbyist is a regular employee performing services for his or her employer which include but are not limited to the influencing of legislation;

(f) The general subject or subjects to be lobbied;

(g) A written authorization from each of the lobbyist's employers confirming such employment;

(h) The name and address of the person who will have custody of the accounts, bills, receipts, books, papers, and documents required to be kept under this chapter;

(i) If the lobbyist's employer is an entity (including, but not limited to, business and trade associations) whose members include, or which as a representative entity undertakes lobbying activities for, businesses, groups, associations, or organizations, the name and address of each member of such entity or person represented by such entity whose fees, dues, payments, or other consideration paid to such entity during either of the prior two years have exceeded five hundred dollars or who is obligated to or has agreed to pay fees, dues, payments, or other consideration exceeding five hundred dollars to such entity during the current year;

(j) An attestation that the lobbyist has read and completed a training course on the respectful workplace code of conduct developed under section 6 of this act.

(2) Any lobbyist who receives or is to receive compensation from more than one person for lobbying shall file a separate notice of representation for each person. However, if two or more persons are jointly paying or contributing to the payment of the lobbyist, the lobbyist may file a single statement detailing the name, business address, and occupation of each person paying or contributing and the respective amounts to be paid or contributed.

(3) Whenever a change, modification, or termination of the lobbyist's employment occurs, the lobbyist shall file with the commission an amended registration statement within one week of the change, modification, or termination.

(4) Each registered lobbyist shall file a new registration statement, revised as appropriate, on the second Monday in January of each odd-numbered year. Failure to do so terminates the lobbyist's registration.

**Sec.**  RCW 42.17A.605 and 2010 c 204 s 802 are each amended to read as follows:

Each lobbyist shall at the time he or she registers submit to the commission a recent photograph of himself or herself of a size and format as determined by rule of the commission, together with the name of the lobbyist's employer, the length of his or her employment as a lobbyist before the legislature, a brief biographical description, and any other information he or she may wish to submit not to exceed fifty words in length. The photograph ((~~and~~)), information, and attestation that the lobbyist has completed a training course on the respectful workplace code of conduct developed under section 6 of this act shall be published by the commission at least biennially in a booklet form for distribution to legislators and the public.

**Sec.**  RCW 42.17A.655 and 2010 c 204 s 812 are each amended to read as follows:

(1) A person required to register as a lobbyist under RCW 42.17A.600 shall substantiate financial reports required to be made under this chapter with accounts, bills, receipts, books, papers, and other necessary documents. All such documents must be obtained and preserved for a period of at least five years from the date of filing the statement containing such items and shall be made available for inspection by the commission at any time. If the terms of the lobbyist's employment contract require that these records be turned over to his or her employer, responsibility for the preservation and inspection of these records under this subsection shall be with such employer.

(2) A person required to register as a lobbyist under RCW 42.17A.600 shall not:

(a) Engage in any lobbying activity before registering as a lobbyist;

(b) Knowingly deceive or attempt to deceive a legislator regarding the facts pertaining to any pending or proposed legislation;

(c) Cause or influence the introduction of a bill or amendment to that bill for the purpose of later being employed to secure its defeat;

(d) Knowingly represent an interest adverse to his or her employer without full disclosure of the adverse interest to the employer and obtaining the employer's written consent;

(e) Exercise any undue influence, extortion, or unlawful retaliation upon any legislator due to the legislator's position or vote on any pending or proposed legislation;

(f) Enter into any agreement, arrangement, or understanding in which any portion of his or her compensation is or will be contingent upon his or her success in influencing legislation;

(g) Engage in any lobbying activity during any period of revocation of the lobbyist's registration due to a credible finding of a violation of the respectful workplace code of conduct developed under section 6 of this act.

(3) A violation by a lobbyist of this section shall be cause for revocation of his or her registration, and may subject the lobbyist and the lobbyist's employer, if the employer aids, abets, ratifies, or confirms the violation, to other civil liabilities as provided by this chapter.

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

(1) A credible finding by either house of the legislature of any violation of a lobbyist of the code of conduct developed under section 6 of this act shall result in revocation of the lobbyist's registration for two years from the date of the credible finding.

(2) If a lobbyist's registration is revoked under this section, the commission shall notify each of the lobbyist's employers of the credible finding.

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

(1) A work group is convened to develop a respectful workplace code of conduct for lobbyists registered under this chapter. The respectful workplace code of conduct must include a process for conducting investigations into any alleged violations of the code of conduct to make credible findings when allegations are sustained.

(2) The code of conduct must be modeled on the code of conduct developed by the legislature for members of the legislative community.

(3) Members of the work group shall include representatives of the lobbying community chosen by the commission, the chief clerk of the house of representatives, and the secretary of the senate.

(4) The work group must prepare its code of conduct and process for investigation into alleged violations of the code of conduct by December 1, 2019.

(5) The commission shall periodically review the code of conduct and, if necessary to update the code of conduct, convene a work group with membership appointed in the same manner as in subsection (3) of this section to produce an updated code of conduct.

NEW SECTION. **Sec.**  Sections 2, 3, and 5 of this act take effect December 1, 2019.

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