

SENATE BILL REPORT

EHB 1271

As Reported By Senate Committee On:
Law & Justice, March 30, 1995

Title: An act relating to public agency lobbyists.

Brief Description: Regulating public agency lobbyists.

Sponsors: Representatives Morris, Blanton, Grant, Schoesler, Sheldon, Sherstad, Quall, Carlson, Hatfield, Mulliken, Elliot, Stevens, McMorris, Backlund, Johnson, Talcott, Kremen and Radcliff.

Brief History: Passed House 3/14/95, 70-28.

Committee Activity: Law & Justice: 3/28/95, 3/30/95 [DPA, DNPA].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass as amended.

Signed by Senators Smith, Chair; Hargrove, Johnson, Quigley, Roach and Schow.

Minority Report: Do not pass as amended.

Signed by Senator Haugen.

Staff: Martin Lovinger (786-7443)

Background: The Public Disclosure Act requires various persons to register as lobbyists and to file periodic reports of their lobbying activities.

Among others, the following persons are exempt from registering and filing periodic reports of their lobbying activities:

- * Persons who limit their activities to appearing before public sessions of legislative committees or public hearings of state agencies.
- * Persons who lobby without compensation or consideration, if no expenditures are made for or on the behalf of legislators, elected officials, or public officers or employees.
- * Persons who restrict their lobbying to no more than four days during any three-month period and whose total expenditures for or on behalf of legislators, state-elected officials or public officers or employees does not exceed \$25.

State agencies and local governments are required to make quarterly reports of their lobbying activities. Public employees or officials who restrict their lobbying to no more than four days in any three-month period, and elected officials who do "in person lobbying," are not required to report these activities if the total expenditures of "nonpublic funds" for any lobbying purpose does not exceed \$15 during a three-month period.

Public funds may not be used directly or indirectly for lobbying purposes. However, officers and employees may communicate with a legislator on the request of that legislator and, through proper channels, may communicate requests for legislative action or appropriations necessary for the efficient conduct of public business or in the proper performance of their official duties.

Summary of Amended Bill: State agencies and local governments are required to report lobbying activities on a monthly basis rather than a quarterly basis. The reporting requirements apply to both employees of the agency or local government and contract lobbyists for the agency or local government. Persons who lobby whose expenses are paid out of student services and facilities fees do not have to file as lobbyists and report their lobbying activities.

The ability of state agencies to lobby legislators regarding legislation or appropriations is limited to elected officials, the head of the agency or two designated persons from the agency. This restriction does not apply to public hearings at which public testimony is taken.

Each budget document that is prepared by the Office of Financial Management must identify all full time equivalent employee positions and expenditures for lobbying purposes.

Amended Bill Compared to Original Bill: The original bill did not exempt elected officials, local governments or public hearings at which public testimony is taken from the provisions restricting lobbying activity to an agency head or one designee. The amended bill also permits a state agency to designate two persons, in addition to the head of the agency, to lobby on behalf of the agency. The original bill also required agencies to report in-person lobbying activities of persons who lobby on their behalf, and restrict their lobbying to no more than four days during any three-month period.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This bill meets the spirit of the initiative that established the public disclosure laws. The public has a right to know how public funds are being spent. The intent of this bill is to curtail extensive lobbying by public agencies. It is important to put private businesses on equal footing with public agencies in being able to communicate with legislators. It is important to restrict lobbying for specific appropriations.

Testimony Against: Good communication is essential to the legislative process. The bill might restrict the ability to communicate important information. The bill is unnecessary because there is no great proliferation of agency lobbyists. It is unworkable because often there are more hearings than the number of lobbyists permitted for each agency. The current reporting restrictions are sufficiently strict. The bill restricts access to the Legislature and will create more problems than it solves.

Testified: Representative Morris, prime sponsor (pro); Sid Morrison, Secretary of Transportation (con); Joe Daniels, Washington State Wastewater Association (pro); Steve

Lindstrom, Sno-King Water District Coalition (pro); Rick Slunaker, Associated General Contractors (pro); Jim Boldt, Port of Tacoma and Clark PUD (pro); Douglas DeForest, Olympia Chamber of Commerce (pro); Chuck Sauvage, Common Cause (con); Bob Edie, University of Washington (con); Carolyn Clark, Council of Faculty Representatives, WSU (con); Fred Hellberg, Governor's Office/OFM (con); Jim Justin, Association of Washington Cities (con); Pat Jones, Washington Public Ports Association (con); Lorraine Wilson, Washington State School Directors' Association (con); Earl Hale, Community and Technical Colleges (con).