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ENGROSSED SUBSTITUTE HOUSE BILL 2289

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State of Washington

54th Legislature

1996 Regular Session

By House Committee on Government Operations (originally sponsored by Representatives Foreman, Crouse, Backlund, Goldsmith, L. Thomas, Elliot, Mulliken, McMahan, Johnson, Thompson, Hargrove, Carrell, Lisk and Boldt)

Read first time 01/26/96.

1 AN ACT Relating to restricting lobbying activities by taxpayer-  
2 supported entities; adding a new section to chapter 41.04 RCW; creating  
3 a new section; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature affirms that the  
6 legislative authority of the state of Washington is vested in the  
7 legislative branch of government and that the legislative body alone is  
8 given the constitutional duty and power to establish public policy  
9 through the enactment of state law.

10 (2) The legislature affirms that the executive authority of the  
11 state of Washington is vested in the executive branch of government,  
12 that the executive branch is given the constitutional duty and power to  
13 see that the laws enacted by the legislature are faithfully executed,  
14 and that the supreme executive power of state government is vested in  
15 the office of the governor.

16 (3) The legislature finds that to ensure responsible and  
17 accountable government, lobbying activities at public expense to  
18 influence the public decision-making process in the legislative branch  
19 of government should be restricted.

1 (4) The legislature further finds that restrictions on lobbying  
2 activities at public expense by individuals employed by state agencies  
3 or units of local government will reduce the cost of maintaining  
4 efficient government, increase public confidence in the integrity of  
5 government, and assist in restoring representative government to the  
6 people.

7 (5) It is therefore the intent of the legislature to restrict  
8 lobbying activities at public expense by state agencies or units of  
9 local government to influence the public decision-making process in the  
10 legislative branch of government and to consolidate such activities  
11 within the office of the governor.

12 NEW SECTION. **Sec. 2.** A new section is added to chapter 41.04 RCW  
13 to read as follows:

14 (1) Except as provided in subsection (4)(b) of this section,  
15 representatives of state agencies or units of local government may not  
16 participate in lobbying activities as part of their public employment  
17 responsibilities. Nothing in this subsection precludes representatives  
18 of state agencies or units of local government from engaging in  
19 lobbying activities as private citizens outside of their working hours  
20 without using public facilities or supplies to prepare their testimony  
21 or materials.

22 (2) On or before July 31st of each year, each state agency shall  
23 report to the office of financial management on its expenditures  
24 associated with lobbying activities during the prior fiscal year. On  
25 or before January 31st of each year, each unit of local government  
26 shall report to the office of financial management on its expenditures  
27 associated with lobbying activities during the prior calendar year.

28 (3) A representative of state agencies or units of local government  
29 who authorizes, directs, or participates in lobbying activities in  
30 violation of this section is guilty of a civil infraction punishable  
31 by a fine of not more than one thousand dollars for each violation.

32 (4) Unless the context requires otherwise, the definitions in this  
33 subsection apply throughout the entire section.

34 (a) "Lobbying activities" means any oral or written communication,  
35 including electronic communication, to members of the legislature or  
36 legislative staff with regard to the advocacy of, or opposition to, the  
37 formulation, modification, or adoption of state legislation or other  
38 legislative proposal, and includes motivating others to contact members

1 of the legislature or legislative staff with regard to the advocacy of,  
2 or opposition to, the formulation, modification, or adoption of state  
3 legislation or other legislative proposals. "Lobbying activities" does  
4 not include providing factual information to members of the legislature  
5 or legislative staff in response to a request made by a member of the  
6 legislature or legislative staff.

7 (b) "Representative of a state agency or unit of local government"  
8 means an employee of a state agency or unit of local government or a  
9 nonemployee of a state agency or unit of local government who has  
10 entered into a contractual agreement with the state agency or unit of  
11 local government to represent the state agency or local government for  
12 financial remuneration. "Representative of a state agency or unit of  
13 local government" does not include: (i) A state-wide elected official  
14 and one designated representative of a state-wide elected official who  
15 is employed in the office of the state-wide elected official; (ii) the  
16 president of an institution of higher education and one designated  
17 representative of the president of an institution of higher education;  
18 (iii) the chief executive officer of each state agency listed in RCW  
19 43.17.020 and one designated representative of each of such chief  
20 executive officer; (iv) an elected official of a unit of local  
21 government and one designated representative from each unit of local  
22 government; or (v) one designated employee of each association of units  
23 of local government or association of officials of units of local  
24 government.

25 (c) "State agency" includes every entity of state government that  
26 is subject to audit by the state auditor, including, but not limited  
27 to, a state office, department, division, bureau, board, commission, or  
28 other state agency.

29 (d) "Unit of local government" means every county, city, town, fire  
30 protection district, sewer district, school district, public utility  
31 district, library district, port district, irrigation district, or  
32 other municipal or quasi-municipal corporation.

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