
HOUSE BILL 2354

State of Washington 54th Legislature 1996 Regular Session

By Representatives Campbell, Patterson, Pennington, Smith, Goldsmith, Benton, Morris, Pelesky, Sheldon, D. Schmidt, Carrell, Elliot, Sherstad, Hargrove, Mulliken and McMahan

Read first time 01/10/96. Referred to Committee on Government Operations.

1 AN ACT Relating to contacts with local government elected
2 officials, officers, and employees; amending RCW 42.17.020, 42.17.160,
3 42.17.175, and 42.17.200; adding new sections to chapter 42.17 RCW;
4 adding new sections to chapter 42.23 RCW; and creating a new section.

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

6 NEW SECTION. **Sec. 1.** The purposes of this act are to: (1) Apply
7 the same restrictions on giving gifts to elected officials, officers,
8 and employees of local governments that apply to the giving of gifts to
9 state officials and employees; and (2) require persons who lobby local
10 governments to report their lobbying activities to the public
11 disclosure commission to the same extent and in the same manner as
12 persons who lobby the legislature report their lobbying activities.

13 **Sec. 2.** RCW 42.17.020 and 1995 c 397 s 1 are each amended to read
14 as follows:

15 (1) "Agency" includes all state agencies and all local agencies.
16 "State agency" includes every state office, department, division,
17 bureau, board, commission, or other state agency. "Local agency"
18 includes every county, city, town, municipal corporation, quasi-

1 municipal corporation, or special purpose district, or any office,
2 department, division, bureau, board, commission, or agency thereof, or
3 other local public agency.

4 (2) "Authorized committee" means the political committee authorized
5 by a candidate, or by the public official against whom recall charges
6 have been filed, to accept contributions or make expenditures on behalf
7 of the candidate or public official.

8 (3) "Ballot proposition" means any "measure" as defined by RCW
9 29.01.110, or any initiative, recall, or referendum proposition
10 proposed to be submitted to the voters of the state or any municipal
11 corporation, political subdivision, or other voting constituency from
12 and after the time when the proposition has been initially filed with
13 the appropriate election officer of that constituency prior to its
14 circulation for signatures.

15 (4) "Benefit" means a commercial, proprietary, financial, economic,
16 or monetary advantage, or the avoidance of a commercial, proprietary,
17 financial, economic, or monetary disadvantage.

18 (5) "Bona fide political party" means:

19 (a) An organization that has filed a valid certificate of
20 nomination with the secretary of state under chapter 29.24 RCW;

21 (b) The governing body of the state organization of a major
22 political party, as defined in RCW 29.01.090, that is the body
23 authorized by the charter or bylaws of the party to exercise authority
24 on behalf of the state party; or

25 (c) The county central committee or legislative district committee
26 of a major political party. There may be only one legislative district
27 committee for each party in each legislative district.

28 (6) "Depository" means a bank designated by a candidate or
29 political committee pursuant to RCW 42.17.050.

30 (7) "Treasurer" and "deputy treasurer" mean the individuals
31 appointed by a candidate or political committee, pursuant to RCW
32 42.17.050, to perform the duties specified in that section.

33 (8) "Candidate" means any individual who seeks nomination for
34 election or election to public office. An individual seeks nomination
35 or election when he or she first:

36 (a) Receives contributions or makes expenditures or reserves space
37 or facilities with intent to promote his or her candidacy for office;

38 (b) Announces publicly or files for office;

1 (c) Purchases commercial advertising space or broadcast time to
2 promote his or her candidacy; or

3 (d) Gives his or her consent to another person to take on behalf of
4 the individual any of the actions in (a) or (c) of this subsection.

5 (9) "Caucus political committee" means a political committee
6 organized and maintained by the members of a major political party in
7 the state senate or state house of representatives.

8 (10) "Commercial advertiser" means any person who sells the service
9 of communicating messages or producing printed material for broadcast
10 or distribution to the general public or segments of the general public
11 whether through the use of newspapers, magazines, television and radio
12 stations, billboard companies, direct mail advertising companies,
13 printing companies, or otherwise.

14 (11) "Commission" means the agency established under RCW 42.17.350.

15 (12) "Compensation" unless the context requires a narrower meaning,
16 includes payment in any form for real or personal property or services
17 of any kind: PROVIDED, That for the purpose of compliance with RCW
18 42.17.241, the term "compensation" shall not include per diem
19 allowances or other payments made by a governmental entity to reimburse
20 a public official for expenses incurred while the official is engaged
21 in the official business of the governmental entity.

22 (13) "Continuing political committee" means a political committee
23 that is an organization of continuing existence not established in
24 anticipation of any particular election campaign.

25 (14)(a) "Contribution" includes:

26 (i) A loan, gift, deposit, subscription, forgiveness of
27 indebtedness, donation, advance, pledge, payment, transfer of funds
28 between political committees, or anything of value, including personal
29 and professional services for less than full consideration;

30 (ii) An expenditure made by a person in cooperation, consultation,
31 or concert with, or at the request or suggestion of, a candidate, a
32 political committee, or their agents;

33 (iii) The financing by a person of the dissemination, distribution,
34 or republication, in whole or in part, of broadcast, written, graphic,
35 or other form of political advertising prepared by a candidate, a
36 political committee, or its authorized agent;

37 (iv) Sums paid for tickets to fund-raising events such as dinners
38 and parties, except for the actual cost of the consumables furnished at
39 the event.

1 (b) "Contribution" does not include:

2 (i) Standard interest on money deposited in a political committee's
3 account;

4 (ii) Ordinary home hospitality;

5 (iii) A contribution received by a candidate or political committee
6 that is returned to the contributor within five business days of the
7 date on which it is received by the candidate or political committee;

8 (iv) A news item, feature, commentary, or editorial in a regularly
9 scheduled news medium that is of primary interest to the general
10 public, that is in a news medium controlled by a person whose business
11 is that news medium, and that is not controlled by a candidate or a
12 political committee;

13 (v) An internal political communication primarily limited to the
14 members of or contributors to a political party organization or
15 political committee, or to the officers, management staff, or
16 stockholders of a corporation or similar enterprise, or to the members
17 of a labor organization or other membership organization;

18 (vi) The rendering of personal services of the sort commonly
19 performed by volunteer campaign workers, or incidental expenses
20 personally incurred by volunteer campaign workers not in excess of
21 fifty dollars personally paid for by the worker. "Volunteer services,"
22 for the purposes of this section, means services or labor for which the
23 individual is not compensated by any person;

24 (vii) Messages in the form of reader boards, banners, or yard or
25 window signs displayed on a person's own property or property occupied
26 by a person. However, a facility used for such political advertising
27 for which a rental charge is normally made must be reported as an in-
28 kind contribution and counts towards any applicable contribution limit
29 of the person providing the facility;

30 (viii) Legal or accounting services rendered to or on behalf of:

31 (A) A political party or caucus political committee if the person
32 paying for the services is the regular employer of the person rendering
33 such services; or

34 (B) A candidate or an authorized committee if the person paying for
35 the services is the regular employer of the individual rendering the
36 services and if the services are solely for the purpose of ensuring
37 compliance with state election or public disclosure laws.

38 (c) Contributions other than money or its equivalent are deemed to
39 have a monetary value equivalent to the fair market value of the

1 contribution. Services or property or rights furnished at less than
2 their fair market value for the purpose of assisting any candidate or
3 political committee are deemed a contribution. Such a contribution
4 must be reported as an in-kind contribution at its fair market value
5 and counts towards any applicable contribution limit of the provider.

6 (15) "Elected official" means any person elected at a general or
7 special election to any public office, and any person appointed to fill
8 a vacancy in any such office.

9 (16) "Election" includes any primary, general, or special election
10 for public office and any election in which a ballot proposition is
11 submitted to the voters: PROVIDED, That an election in which the
12 qualifications for voting include other than those requirements set
13 forth in Article VI, section 1 (Amendment 63) of the Constitution of
14 the state of Washington shall not be considered an election for
15 purposes of this chapter.

16 (17) "Election campaign" means any campaign in support of or in
17 opposition to a candidate for election to public office and any
18 campaign in support of, or in opposition to, a ballot proposition.

19 (18) "Election cycle" means the period beginning on the first day
20 of December after the date of the last previous general election for
21 the office that the candidate seeks and ending on November 30th after
22 the next election for the office. In the case of a special election to
23 fill a vacancy in an office, "election cycle" means the period
24 beginning on the day the vacancy occurs and ending on November 30th
25 after the special election.

26 (19) "Expenditure" includes a payment, contribution, subscription,
27 distribution, loan, advance, deposit, or gift of money or anything of
28 value, and includes a contract, promise, or agreement, whether or not
29 legally enforceable, to make an expenditure. The term "expenditure"
30 also includes a promise to pay, a payment, or a transfer of anything of
31 value in exchange for goods, services, property, facilities, or
32 anything of value for the purpose of assisting, benefiting, or honoring
33 any public official or candidate, or assisting in furthering or
34 opposing any election campaign. For the purposes of this chapter,
35 agreements to make expenditures, contracts, and promises to pay may be
36 reported as estimated obligations until actual payment is made. The
37 term "expenditure" shall not include the partial or complete repayment
38 by a candidate or political committee of the principal of a loan, the
39 receipt of which loan has been properly reported.

1 (20) "Final report" means the report described as a final report in
2 RCW 42.17.080(2).

3 (21) "General election" means the election that results in the
4 election of a person to a state office. It does not include a primary.

5 (22) "Gift," is as defined in RCW 42.52.010.

6 (23) "Immediate family" includes the spouse, dependent children,
7 and other dependent relatives, if living in the household. For the
8 purposes of RCW 42.17.640 through 42.17.790, "immediate family" means
9 an individual's spouse, and child, stepchild, grandchild, parent,
10 stepparent, grandparent, brother, half brother, sister, or half sister
11 of the individual and the spouse of any such person and a child,
12 stepchild, grandchild, parent, stepparent, grandparent, brother, half
13 brother, sister, or half sister of the individual's spouse and the
14 spouse of any such person.

15 (24) "Independent expenditure" means an expenditure that has each
16 of the following elements:

17 (a) It is made in support of or in opposition to a candidate for
18 office by a person who is not (i) a candidate for that office, (ii) an
19 authorized committee of that candidate for that office, (iii) a person
20 who has received the candidate's encouragement or approval to make the
21 expenditure, if the expenditure pays in whole or in part for political
22 advertising supporting that candidate or promoting the defeat of any
23 other candidate or candidates for that office, or (iv) a person with
24 whom the candidate has collaborated for the purpose of making the
25 expenditure, if the expenditure pays in whole or in part for political
26 advertising supporting that candidate or promoting the defeat of any
27 other candidate or candidates for that office;

28 (b) The expenditure pays in whole or in part for political
29 advertising that either specifically names the candidate supported or
30 opposed, or clearly and beyond any doubt identifies the candidate
31 without using the candidate's name; and

32 (c) The expenditure, alone or in conjunction with another
33 expenditure or other expenditures of the same person in support of or
34 opposition to that candidate, has a value of five hundred dollars or
35 more. A series of expenditures, each of which is under five hundred
36 dollars, constitutes one independent expenditure if their cumulative
37 value is five hundred dollars or more.

38 (25)(a) "Intermediary" means an individual who transmits a
39 contribution to a candidate or committee from another person unless the

1 contribution is from the individual's employer, immediate family as
2 defined for purposes of RCW 42.17.640 through 42.17.790, or an
3 association to which the individual belongs.

4 (b) A treasurer or a candidate is not an intermediary for purposes
5 of the committee that the treasurer or candidate serves.

6 (c) A professional fund-raiser is not an intermediary if the fund-
7 raiser is compensated for fund-raising services at the usual and
8 customary rate.

9 (d) A volunteer hosting a fund-raising event at the individual's
10 home is not an intermediary for purposes of that event.

11 (26) "Legislation" means bills, resolutions, motions, amendments,
12 nominations, and other matters pending or proposed in either house of
13 the state legislature, and includes any other matter that may be the
14 subject of action by either house or any committee of the legislature
15 and all bills and resolutions that, having passed both houses, are
16 pending approval by the governor.

17 (27) "Lobby" and "lobbying" each mean attempting to influence the
18 passage or defeat of any legislation by the legislature of the state of
19 Washington, or the adoption or rejection of any rule, standard, rate,
20 or other legislative enactment of any state agency under the state
21 Administrative Procedure Act, chapter 34.05 RCW. Neither "lobby" nor
22 "lobbying" includes an association's or other organization's act of
23 communicating with the members of that association or organization.

24 (28) "Lobbyist" includes any person who lobbies either in his or
25 her own or another's behalf.

26 (29) "Lobbyist's employer" means the person or persons by whom a
27 lobbyist is employed and all persons by whom he or she is compensated
28 for acting as a lobbyist.

29 (30) "Local agency lobbying" means attempting to influence the
30 passage or defeat of an ordinance or resolution.

31 (31) "Local agency lobbyist" includes any person who engages in
32 local agency lobbying either in his or her own or another's behalf.

33 (32) "Local agency lobbyist's employer" means the person or persons
34 by whom a local agency lobbyist is employed and all persons by whom he
35 or she is compensated for acting as a local agency lobbyist.

36 (33) "Person" includes an individual, partnership, joint venture,
37 public or private corporation, association, federal, state, or local
38 governmental entity or agency however constituted, candidate,
39 committee, political committee, political party, executive committee

1 thereof, or any other organization or group of persons, however
2 organized.

3 ~~((+31+))~~ (34) "Person in interest" means the person who is the
4 subject of a record or any representative designated by that person,
5 except that if that person is under a legal disability, the term
6 "person in interest" means and includes the parent or duly appointed
7 legal representative.

8 ~~((+32+))~~ (35) "Political advertising" includes any advertising
9 displays, newspaper ads, billboards, signs, brochures, articles,
10 tabloids, flyers, letters, radio or television presentations, or other
11 means of mass communication, used for the purpose of appealing,
12 directly or indirectly, for votes or for financial or other support in
13 any election campaign.

14 ~~((+33+))~~ (36) "Political committee" means any person (except a
15 candidate or an individual dealing with his or her own funds or
16 property) having the expectation of receiving contributions or making
17 expenditures in support of, or opposition to, any candidate or any
18 ballot proposition.

19 ~~((+34+))~~ (37) "Primary" means the procedure for nominating a
20 candidate to state office under chapter 29.18 or 29.21 RCW or any other
21 primary for an election that uses, in large measure, the procedures
22 established in chapter 29.18 or 29.21 RCW.

23 ~~((+35+))~~ (38) "Public office" means any federal, state, county,
24 city, town, school district, port district, special district, or other
25 state political subdivision elective office.

26 ~~((+36+))~~ (39) "Public record" includes any writing containing
27 information relating to the conduct of government or the performance of
28 any governmental or proprietary function prepared, owned, used, or
29 retained by any state or local agency regardless of physical form or
30 characteristics. For the office of the secretary of the senate and the
31 office of the chief clerk of the house of representatives, public
32 records means legislative records as defined in RCW 40.14.100 and also
33 means the following: All budget and financial records; personnel
34 leave, travel, and payroll records; records of legislative sessions;
35 reports submitted to the legislature; and any other record designated
36 a public record by any official action of the senate or the house of
37 representatives.

1 (~~(37)~~) (40) "Recall campaign" means the period of time beginning
2 on the date of the filing of recall charges under RCW 29.82.015 and
3 ending thirty days after the recall election.

4 (~~(38)~~) (41) "State legislative office" means the office of a
5 member of the state house of representatives or the office of a member
6 of the state senate.

7 (~~(39)~~) (42) "State office" means state legislative office or the
8 office of governor, lieutenant governor, secretary of state, attorney
9 general, commissioner of public lands, insurance commissioner,
10 superintendent of public instruction, state auditor, or state
11 treasurer.

12 (~~(40)~~) (43) "State official" means a person who holds a state
13 office.

14 (~~(41)~~) (44) "Surplus funds" mean, in the case of a political
15 committee or candidate, the balance of contributions that remain in the
16 possession or control of that committee or candidate subsequent to the
17 election for which the contributions were received, and that are in
18 excess of the amount necessary to pay remaining debts incurred by the
19 committee or candidate prior to that election. In the case of a
20 continuing political committee, "surplus funds" mean those
21 contributions remaining in the possession or control of the committee
22 that are in excess of the amount necessary to pay all remaining debts
23 when it makes its final report under RCW 42.17.065.

24 (~~(42)~~) (45) "Writing" means handwriting, typewriting, printing,
25 photostating, photographing, and every other means of recording any
26 form of communication or representation, including, but not limited to,
27 letters, words, pictures, sounds, or symbols, or combination thereof,
28 and all papers, maps, magnetic or paper tapes, photographic films and
29 prints, motion picture, film and video recordings, magnetic or punched
30 cards, discs, drums, diskettes, sound recordings, and other documents
31 including existing data compilations from which information may be
32 obtained or translated.

33 As used in this chapter, the singular shall take the plural and any
34 gender, the other, as the context requires.

35 **Sec. 3.** RCW 42.17.160 and 1995 c 397 s 32 are each amended to read
36 as follows:

1 The following persons and activities shall be exempt from
2 registration and reporting under RCW 42.17.150, 42.17.170, section 4 of
3 this act, and 42.17.200:

4 (1) Persons who limit their lobbying activities to appearing
5 before: (a) Public sessions of committees of the legislature(~~(, or)~~);
6 (b) public hearings of state agencies; or (c) public sessions or public
7 hearings of the governing body of a local agency, a committee of the
8 governing body, a hearings examiner, or a board or commission created
9 by the local agency;

10 (2) Activities by lobbyists or other persons whose participation
11 has been solicited by an agency under RCW 34.05.310(2);

12 (3) News or feature reporting activities and editorial comment by
13 working members of the press, radio, or television and the publication
14 or dissemination thereof by a newspaper, book publisher, regularly
15 published periodical, radio station, or television station;

16 (4) Persons who lobby or engage in local agency lobbying without
17 compensation or other consideration for acting as a lobbyist or local
18 agency lobbyist: PROVIDED, Such person makes no expenditure for or on
19 behalf of any member of the legislature or elected official or public
20 officer or employee of the state of Washington in connection with such
21 lobbying and makes no expenditure for or on behalf of any member of the
22 governing body of a local agency or elected official of a local agency
23 or official or employee of a local agency in connection with that local
24 agency lobbying. The exemption contained in this subsection is
25 intended to permit and encourage citizens of this state to lobby any
26 legislator, public official, or state agency without incurring any
27 registration or reporting obligation provided they do not exceed the
28 limits stated above and to engage in local agency lobbying of any
29 elected official, officer, or employee of a local agency without
30 incurring any reporting obligation if they do not exceed the limits
31 stated above. Any person exempt under this subsection (4) may at his
32 or her option register and report under this chapter;

33 (5) Persons who restrict their lobbying activities to no more than
34 four days or parts thereof during any three-month period and whose
35 total expenditures during such three-month period for or on behalf of
36 any one or more members of the legislature or state elected officials
37 or public officers or employees of the state of Washington in
38 connection with such lobbying do not exceed twenty-five dollars, or
39 persons who restrict their local agency lobbying activities to no more

1 than four days or parts thereof during any three-month period and whose
2 total expenditures during such three-month period for or on behalf of
3 any local agency elected official, officer, or employee in connection
4 with such local agency lobbying do not exceed twenty-five dollars:
5 PROVIDED, That the commission shall (~~promulgate regulations~~) adopt
6 rules to require disclosure by persons exempt under this subsection or
7 their employers or entities which sponsor or coordinate the lobbying
8 activities or local agency lobbying activities of such persons if it
9 determines that such regulations are necessary to prevent frustration
10 of the purposes of this chapter. Any person exempt under this
11 subsection (5) may at his or her option register and report under this
12 chapter;

13 (6) The governor;

14 (7) The lieutenant governor;

15 (8) Except as provided by RCW 42.17.190(1), members of the
16 legislature;

17 (9) Except as provided by RCW 42.17.190(1), persons employed by the
18 legislature for the purpose of aiding in the preparation or enactment
19 of legislation or the performance of legislative duties;

20 (10) Elected officials, and officers and employees of any agency
21 reporting under RCW 42.17.190(4) (~~as now or hereafter amended~~);

22 (11) Elected officials, officers, and employees of a local agency
23 acting in their official capacities concerning ordinances or
24 resolutions by that local agency.

25 NEW SECTION. Sec. 4. A new section is added to chapter 42.17 RCW
26 to read as follows:

27 (1) A local agency lobbyist shall file with the commission periodic
28 reports of his or her activities signed by the person engaging in that
29 activity. The reports must be made in the form and manner prescribed
30 by the commission. They are due monthly and must be filed within
31 fifteen days after the last day of the calendar month covered by the
32 report.

33 (2) Each such monthly periodic report must contain:

34 (a) The names or names of his or her local agency lobbyist employer
35 and the local agency lobbyist's address, or whether he or she lobbied
36 on his or her own behalf, or both.

37 (b) The totals of all expenditures for local agency lobbying
38 activities made or incurred by the local agency lobbyist or on behalf

1 of the local agency lobbyist by the local agency lobbyist's employer
2 during the period covered by the report. The totals for local agency
3 lobbying activities must be segregated according to financial category,
4 including compensation; food and refreshments; living accommodations;
5 advertising; travel; contributions; and other expenses or services.
6 Each individual expenditure of more than twenty-five dollars for
7 entertainment must be identified by date, place, amount, and the names
8 of all persons in the group partaking in or of the entertainment,
9 including any portion that is attributable to the local agency
10 lobbyist's participation in it, and must include amounts actually
11 expended on each person where calculable, or allocating any portion of
12 the expenditure to individual participants.

13 (c) In the case of a local agency lobbyist employed by more than
14 one employer, the proportionate amount of the expenditures in each
15 category incurred on behalf of each of his or her employers.

16 (d) An itemized listing of each such expenditure, whether
17 contributed by the local agency lobbyist personally or delivered or
18 transmitted by the local agency lobbyist, in the nature of a
19 contribution of money or of tangible or intangible personal property to
20 a candidate, elected official, or officer or employee of a local
21 agency, or a political committee supporting or opposing a ballot
22 proposition, or for or on behalf of a candidate, elected official, or
23 officer or employee of a local agency, or a political committee
24 supporting or opposing a ballot proposition. A contribution made to,
25 or for the benefit of, a candidate, elected official, or officer or
26 employee of a local agency, or a political committee supporting or
27 opposing a ballot proposition, must be identified by date, amount, and
28 the name of the candidate, elected official, or officer or employee of
29 the local agency, or the political committee supporting or opposing
30 the ballot proposition receiving, or to be benefited by the
31 contribution.

32 (e) The subject matter of a proposed ordinance or resolution, and
33 the local agency considering it, that the local agency lobbyist has
34 been engaged in supporting or opposing during the reporting period,
35 unless exempt under RCW 42.17.160(2).

36 (f) Such other information relevant to local agency lobbying
37 activities as the commission prescribes by rule. Information
38 supporting those reported activities is subject to audit by the
39 commission.

1 (g) A listing of each payment for an item specified in RCW
2 42.52.150(5) in excess of fifty dollars and each item specified in RCW
3 42.52.010(9) (d) and (f) made to a local agency elected official,
4 officer, or employee. Each item must be identified by recipient, date,
5 and approximate value of the item.

6 (h) The total expenditures made during the reporting period by the
7 local agency lobbyist for local agency lobbying purposes, whether
8 through or on behalf of a local agency lobbyist or otherwise. As used
9 in this subsection, "expenditures" includes amounts paid or incurred
10 during the reporting period for (i) political advertising as defined in
11 RCW 42.17.020; and (ii) public relations, telemarketing, polling, or
12 similar activities if the activities, directly or indirectly, are
13 intended, designed, or calculated to influence an ordinance,
14 resolution, permit, or authorization by a local agency. The report
15 must specify the amount, the person to whom the amount was paid, and a
16 brief description of the activity.

17 (3) Notwithstanding subsections (1) and (2) of this section, local
18 agency lobbyists are not required to report the following:

19 (a) Unreimbursed personal living and travel expenses not incurred
20 directly for local agency lobbying;

21 (b) Expenses incurred for his or her own living accommodations;

22 (c) Expenses incurred for his or her own travel to and from
23 hearings of the local agency;

24 (d) Expenses incurred for telephone and office expenses, including
25 rent and salaries and wages paid for staff and secretarial assistance.

26 (4) If a local agency elected official, officer, employee, or a
27 member of the immediate family of the elected official, officer, or
28 employee is identified by a local agency lobbyist in a report under
29 this section as having received from the local agency lobbyist an item
30 specified in RCW 42.52.150(5) or 42.52.010(9) (d) or (f), the local
31 agency lobbyist shall transmit to the official a copy of the completed
32 form used to identify the item in the report at the same time the
33 report is filed with the commission.

34 (5) The commission may adopt rules to vary the content of local
35 agency lobbyist reports to address specific circumstances, consistent
36 with this section.

37 NEW SECTION. **Sec. 5.** A new section is added to chapter 42.17 RCW
38 to read as follows:

1 When a listing or a report of contributions is made to the
2 commission under section 4(2)(d) of this act, a copy of the listing or
3 report must be given to the candidate, elected official, professional
4 staff member of the local agency, officer, or employee of a local
5 agency, or a political committee supporting or opposing a ballot
6 proposition named in the listing or report.

7 **Sec. 6.** RCW 42.17.175 and 1991 c 157 s 2 are each amended to read
8 as follows:

9 Any lobbyist registered under RCW 42.17.150, any person who
10 lobbies, (~~and any~~) a lobbyist's employer, a person engaged in local
11 agency lobbying, and a local agency lobbyist's employer making a
12 contribution or an aggregate of contributions to a single entity that
13 exceeds five hundred dollars during a special reporting period before
14 a primary or general election, as such period is specified in RCW
15 42.17.105(1), shall file one or more special reports for the
16 contribution or aggregate of contributions and for subsequent
17 contributions made during that period under the same circumstances and
18 to the same extent that a contributing political committee must file
19 such a report or reports under RCW 42.17.105. Such a special report
20 shall be filed in the same manner provided under RCW 42.17.105 for a
21 special report of a contributing political committee.

22 **Sec. 7.** RCW 42.17.200 and 1990 c 139 s 5 are each amended to read
23 as follows:

24 (1) Any person who has made expenditures, not reported by a
25 registered lobbyist under RCW 42.17.170 or a local agency lobbyist
26 under section 4 of this act or by a candidate or political committee
27 under RCW 42.17.065 or 42.17.080, exceeding five hundred dollars in the
28 aggregate within any three-month period or exceeding two hundred
29 dollars in the aggregate within any one-month period in presenting a
30 program addressed to the public, a substantial portion of which is
31 intended, designed, or calculated primarily to influence legislation,
32 or an ordinance or resolution of a local agency, shall be required to
33 register and report, as provided in subsection (2) of this section, as
34 a sponsor of a grass roots lobbying campaign.

35 (2) Within thirty days after becoming a sponsor of a grass roots
36 lobbying campaign, the sponsor shall register by filing with the

1 commission a registration statement, in such detail as the commission
2 shall prescribe, showing:

3 (a) The sponsor's name, address, and business or occupation, and,
4 if the sponsor is not an individual, the names, addresses, and titles
5 of the controlling persons responsible for managing the sponsor's
6 affairs;

7 (b) The names, addresses, and business or occupation of all persons
8 organizing and managing the campaign, or hired to assist the campaign,
9 including any public relations or advertising firms participating in
10 the campaign, and the terms of compensation for all such persons;

11 (c) The names and addresses of each person contributing twenty-five
12 dollars or more to the campaign, and the aggregate amount contributed;

13 (d) The purpose of the campaign, including the specific
14 legislation, rules, rates, standards, or proposals that are the subject
15 matter of the campaign;

16 (e) The totals of all expenditures made or incurred to date on
17 behalf of the campaign, which totals shall be segregated according to
18 financial category, including but not limited to the following:
19 Advertising, segregated by media, and in the case of large expenditures
20 (as provided by rule of the commission), by outlet; contributions;
21 entertainment, including food and refreshments; office expenses
22 including rent and the salaries and wages paid for staff and
23 secretarial assistance, or the proportionate amount thereof paid or
24 incurred for lobbying campaign activities; consultants; and printing
25 and mailing expenses.

26 (3) Every sponsor who has registered under this section shall file
27 monthly reports with the commission, which reports shall be filed by
28 the tenth day of the month for the activity during the preceding month.
29 The reports shall update the information contained in the sponsor's
30 registration statement and in prior reports and shall show
31 contributions received and totals of expenditures made during the
32 month, in the same manner as provided for in the registration
33 statement.

34 (4) When the campaign has been terminated, the sponsor shall file
35 a notice of termination with the final monthly report, which notice
36 shall state the totals of all contributions and expenditures made on
37 behalf of the campaign, in the same manner as provided for in the
38 registration statement.

1 NEW SECTION. **Sec. 8.** A new section is added to chapter 42.23 RCW
2 to read as follows:

3 (1) Except in the course of official duties or incident to official
4 duties, no municipal officer may assist another person, directly or
5 indirectly, whether or not for compensation, in a transaction involving
6 the officer's municipality:

7 (a) In which the municipal officer has at any time participated; or

8 (b) If the transaction involving the officer's municipality is or
9 has been under the official responsibility of the municipal officer
10 within a period of two years before the assistance.

11 (2) No municipal officer may share in compensation received by
12 another for assistance that the officer is prohibited from providing
13 under subsection (1) or (3) of this section.

14 (3) A business entity of which a municipal officer is a partner,
15 managing officer, or employee shall not assist another person in a
16 transaction involving the officer's municipality if the municipal
17 officer is prohibited from doing so by subsection (1) of this section.

18 (4) This chapter does not prevent a municipal officer from
19 assisting, in a transaction involving the officer's municipality:

20 (a) The municipal officer's parent, spouse, or child, or a child
21 thereof for whom the officer is serving as guardian, executor,
22 administrator, trustee, or other personal fiduciary, if the municipal
23 officer did not participate in the transaction; or

24 (b) Another municipal officer involved in disciplinary or other
25 personnel administration proceedings.

26 NEW SECTION. **Sec. 9.** A new section is added to chapter 42.23 RCW
27 to read as follows:

28 No municipal officer may, directly or indirectly, ask for or give
29 or receive or agree to receive any compensation, gift, reward, or
30 gratuity from a source except the officer's municipality for performing
31 or omitting or deferring the performance of any official duty, unless
32 otherwise authorized by law.

33 NEW SECTION. **Sec. 10.** A new section is added to chapter 42.23 RCW
34 to read as follows:

35 (1) In addition to the restrictions in RCW 42.23.030, no municipal
36 officer may receive any thing of economic value under a contract or
37 grant outside his or her official office or employment. The

1 prohibition in this subsection does not apply where each of the
2 following conditions are met:

3 (a) The contract or grant is bona fide and actually performed;

4 (b) The performance or administration of the contract or grant is
5 not within the course of the officer's official duties, or is not under
6 the officer's official supervision;

7 (c) The performance of the contract or grant is not prohibited by
8 section 8 of this act or by applicable laws or rules governing outside
9 employment for the officer;

10 (d) The contract or grant is neither performed for nor compensated
11 by any person from whom such officer would be prohibited by section
12 13(4) of this act from receiving a gift;

13 (e) The contract or grant is not one expressly created or
14 authorized by the officer in his or her official capacity or by his or
15 her municipality;

16 (f) The contract or grant would not require unauthorized disclosure
17 of confidential information.

18 (2) In addition to satisfying the requirements of subsection (1) of
19 this section, a municipal officer may have a beneficial interest in a
20 grant or contract with the municipality only if:

21 (a) The contract or grant is awarded or issued as a result of an
22 open and competitive bidding process in which more than one bid or
23 grant application was received;

24 (b) The contract or grant is awarded or issued as a result of an
25 open and competitive bidding or selection process in which the
26 officer's bid or proposal was the only bid or proposal received and the
27 contract or grant would not be in conflict with the proper discharge of
28 the officer's official duties; or

29 (c) The process for awarding the contract or issuing the grant is
30 not open and competitive and the contract or grant would not be in
31 conflict with the proper discharge of the officer's official duties.

32 (3) This section does not prevent a municipal officer from
33 receiving compensation contributed from the treasury of the United
34 States, a state, or another municipality if the compensation is
35 received under arrangements entered into between the state,
36 municipality, or the United States and the officer's municipality.
37 This section does not prohibit a municipal officer from serving or
38 performing any duties under an employment contract with a governmental
39 entity.

1 NEW SECTION. **Sec. 11.** A new section is added to chapter 42.23 RCW
2 to read as follows:

3 (1) No municipal officer may receive honoraria unless specifically
4 authorized by the officer's municipality.

5 (2) A municipality may not permit honoraria under the following
6 circumstances:

7 (a) The person offering the honorarium is seeking or is reasonably
8 expected to seek contractual relations with or a grant from the
9 official's municipality and the officer is in a position to participate
10 in the terms or the award of the contract or grant;

11 (b) The person offering the honorarium is regulated by the
12 municipality and the officer or employee is in a position to
13 participate in the regulation; or

14 (c) The person offering the honorarium (i) is seeking or opposing
15 or is reasonably likely to seek or oppose adoption of an ordinance or
16 resolution, issuance of a permit, or authorization by the municipality;
17 and (ii) the officer may participate in the adoption, issuance, or
18 approval.

19 NEW SECTION. **Sec. 12.** A new section is added to chapter 42.23 RCW
20 to read as follows:

21 No municipal officer may receive, accept, take, seek, or solicit,
22 directly or indirectly, any thing of economic value as a gift,
23 gratuity, or favor from a person if it could be reasonably expected
24 that the gift, gratuity, or favor would influence the vote, action, or
25 judgment of the officer, or be considered as part of a reward for
26 action or inaction.

27 NEW SECTION. **Sec. 13.** A new section is added to chapter 42.23 RCW
28 to read as follows:

29 (1) No municipal officer may accept gifts, other than those
30 specified in subsections (2) and (5) of this section, with an aggregate
31 value in excess of fifty dollars from a single source in a calendar
32 year or a single gift from multiple sources with a value in excess of
33 fifty dollars. For purposes of this section, "single source" means any
34 person, as defined in RCW 42.52.010, whether acting directly or through
35 any agent or other intermediary, "gift" has the meaning defined in RCW
36 42.52.010, and "single gift" includes any event, item, or group of
37 items used in conjunction with each other or any trip including

1 transportation, lodging, and attendant costs, not excluded from the
2 definition of gift under RCW 42.52.010. The value of gifts given to a
3 municipal officer's family member is attributed to the officer for the
4 purpose of determining whether the limit has been exceeded, unless an
5 independent business, family, or social relationship exists between the
6 donor and the family member.

7 (2) Except as provided in subsection (4) of this section, the
8 following items are presumed not to influence under section 12 of this
9 act, and may be accepted without regard to the limit established by
10 subsection (1) of this section:

11 (a) Unsolicited flowers, plants, and floral arrangements;

12 (b) Unsolicited advertising or promotional items of nominal value,
13 such as pens and note pads;

14 (c) Unsolicited tokens or awards of appreciation in the form of a
15 plaque, trophy, desk item, wall memento, or similar item;

16 (d) Unsolicited items received by a municipal officer for the
17 purpose of evaluation or review, if the officer has no personal
18 beneficial interest in the eventual use or acquisition of the item by
19 the officer's municipality;

20 (e) Informational material, publications, or subscriptions related
21 to the recipient's performance of official duties;

22 (f) Food and beverages consumed at hosted receptions where
23 attendance is related to the municipal officer's official duties;

24 (g) Admission to, and the cost of food and beverages consumed at,
25 events sponsored by or in conjunction with a civic, charitable,
26 governmental, or community organization; and

27 (h) Unsolicited gifts from dignitaries from another state or a
28 foreign country that are intended to be personal in nature.

29 (3) The presumption in subsection (2) of this section is rebuttable
30 and may be overcome based on the circumstances surrounding the giving
31 and acceptance of the item.

32 (4) Notwithstanding subsections (2) and (5) of this section, a
33 municipal officer of a municipality or division of a municipality with
34 regulatory authority or of a municipality that seeks to acquire goods
35 or services who participates in those regulatory or contractual matters
36 may receive, accept, take, or seek, directly or indirectly, only the
37 following items from a person regulated by the agency or from a person
38 who seeks to provide goods or services to the agency:

1 (a) Unsolicited advertising or promotional items of nominal value,
2 such as pens and note pads;

3 (b) Unsolicited tokens or awards of appreciation in the form of a
4 plaque, trophy, desk item, wall memento, or similar item;

5 (c) Unsolicited items received by a municipal officer for the
6 purpose of evaluation or review, if the officer has no personal
7 beneficial interest in the eventual use or acquisition of the item by
8 the officer's municipality;

9 (d) Informational material, publications, or subscriptions related
10 to the recipient's performance of official duties;

11 (e) Food and beverages consumed at hosted receptions where
12 attendance is related to the municipal officer's official duties;

13 (f) Admission to, and the cost of food and beverages consumed at,
14 events sponsored by or in conjunction with a civic, charitable,
15 governmental, or community organization; and

16 (g) Those items excluded from the definition of gift in RCW
17 42.52.010 except:

18 (i) Payments by a governmental or nongovernmental entity of
19 reasonable expenses incurred in connection with a speech, presentation,
20 appearance, or trade mission made in an official capacity;

21 (ii) Payments for seminars and educational programs sponsored by a
22 bona fide nonprofit professional, educational, or trade association, or
23 charitable institution; and

24 (iii) Flowers, plants, and floral arrangements.

25 (5) A municipal officer may accept gifts in the form of food and
26 beverage on infrequent occasions in the ordinary course of meals where
27 attendance by the officer is related to the performance of official
28 duties. Gifts in the form of food and beverage that exceed fifty
29 dollars on a single occasion must be reported as provided in chapter
30 42.17 RCW.

31 NEW SECTION. **Sec. 14.** A new section is added to chapter 42.23 RCW
32 to read as follows:

33 (1) No municipal officer may employ or use any person, money, or
34 property under the officer's official control or direction, or in his
35 or her official custody, for the private benefit or gain of the officer
36 or another.

37 (2) This section does not prohibit the use of public resources to
38 benefit others as part of a municipal officer's public duties.

1 (3) The governing body of a municipality may adopt rules providing
2 exceptions to this section for occasional use of the municipal officer,
3 of de minimis cost and value, if the activity does not result in
4 interference with the proper performance of public duties.

5 NEW SECTION. **Sec. 15.** A new section is added to chapter 42.23 RCW
6 to read as follows:

7 No person may give, pay, loan, transfer, or deliver, directly or
8 indirectly, to any other person any thing of economic value believing
9 or having reason to believe that there exist circumstances making the
10 receipt thereof a violation of section 8, 9, 10, 12, or 13 of this act.

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