

2 **SSB 6596** - S AMD - 088
3 By Senator Costa

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5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** A new section is added to chapter 29.79 RCW
8 to read as follows:

9 After certification of sufficiency by the secretary of state and no
10 less than sixty days before the initiatives and referendum measures are
11 submitted to a vote of the people, the legislature may hold hearings on
12 each initiative and referendum. If a hearing is held, every effort
13 must be made to assure, when possible, a balanced exposition of
14 viewpoints on the initiative or referendum measure.

15 The standing committees of the senate and house of representatives
16 to which the matter, if it had been made the subject of a bill
17 introduced in the legislature and by the same process used by the
18 legislature to refer bills to standing committees, would have been
19 referred, may hold the hearings.

20 Nothing in this section may be held to diminish the constitutional
21 rights of any person or to limit or repeal any other requirements
22 imposed by statute or otherwise recognized by law. In no event may any
23 initiative or referendum measure be subject to any claim of invalidity
24 made under this section.

25 **Sec. 2.** RCW 42.17.130 and 1979 ex.s. c 265 s 2 are each amended to
26 read as follows:

27 No elective official nor any employee of his office nor any person
28 appointed to or employed by any public office or agency may use or
29 authorize the use of any of the facilities of a public office or
30 agency, directly or indirectly, for the purpose of assisting a campaign
31 for election of any person to any office or for the promotion of or
32 opposition to any ballot proposition. Facilities of public office or
33 agency include, but are not limited to, use of stationery, postage,
34 machines, and equipment, use of employees of the office or agency
35 during working hours, vehicles, office space, publications of the

1 office or agency, and clientele lists of persons served by the office
2 or agency: PROVIDED, That the foregoing provisions of this section
3 shall not apply to the following activities:

4 (1) Action taken at an open public meeting by members of an elected
5 legislative body to express a collective decision, or to actually vote
6 upon a motion, proposal, resolution, order, or ordinance, or to support
7 or oppose a ballot proposition so long as (a) any required notice of
8 the meeting includes the title and number of the ballot proposition,
9 and (b) members of the legislative body or members of the public are
10 afforded an approximately equal opportunity for the expression of an
11 opposing view;

12 (2) A statement by an elected official in support of or in
13 opposition to any ballot proposition at an open press conference or in
14 response to a specific inquiry;

15 (3) Activities which are part of the normal and regular conduct of
16 the office or agency;

17 (4) Activities of the legislature in compliance with section 1 of
18 this act.

19 **Sec. 3.** RCW 42.52.180 and 1995 c 397 s 30 are each amended to read
20 as follows:

21 (1) No state officer or state employee may use or authorize the use
22 of facilities of an agency, directly or indirectly, for the purpose of
23 assisting a campaign for election of a person to an office or for the
24 promotion of or opposition to a ballot proposition. Knowing
25 acquiescence by a person with authority to direct, control, or
26 influence the actions of the state officer or state employee using
27 public resources in violation of this section constitutes a violation
28 of this section. Facilities of an agency include, but are not limited
29 to, use of stationery, postage, machines, and equipment, use of state
30 employees of the agency during working hours, vehicles, office space,
31 publications of the agency, and clientele lists of persons served by
32 the agency.

33 (2) This section 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 a ballot proposition as long as (i) required notice of the
38 meeting includes the title and number of the ballot proposition, and

1 (ii) members of the legislative body or members of the public are
2 afforded an approximately equal opportunity for the expression of an
3 opposing view;

4 (b) A statement by an elected official in support of or in
5 opposition to any ballot proposition at an open press conference or in
6 response to a specific inquiry. For the purposes of this subsection,
7 it is not a violation of this section for an elected official to
8 respond to an inquiry regarding a ballot proposition, to make
9 incidental remarks concerning a ballot proposition in an official
10 communication, or otherwise comment on a ballot proposition without an
11 actual, measurable expenditure of public funds. The ethics boards
12 shall adopt by rule a definition of measurable expenditure;

13 (c) Activities that are part of the normal and regular conduct of
14 the office or agency; ((and))

15 (d) De minimis use of public facilities by state-wide elected
16 officials and legislators incidental to the preparation or delivery of
17 permissible communications, including written and verbal communications
18 initiated by them of their views on ballot propositions that
19 foreseeably may affect a matter that falls within their constitutional
20 or statutory responsibilities; and

21 (e) Activities of the legislature in compliance with section 1 of
22 this act.

23 (3) As to state officers and employees, this section operates to
24 the exclusion of RCW 42.17.130."

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28 On page 1, line 2 of the title, after "referendums;" strike the
29 remainder of the title and insert "amending RCW 42.17.130 and
30 42.52.180; and adding a new section to chapter 29.79 RCW."

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