
HOUSE BILL 2214

State of Washington 56th Legislature 1999 Regular Session

By Representatives Mielke and Boldt

Read first time 02/19/1999. Referred to Committee on State Government.

1 AN ACT Relating to requiring public lobbyists to file monthly
2 reports with the public disclosure commission; and amending RCW
3 42.17.190.

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

5 **Sec. 1.** RCW 42.17.190 and 1995 c 397 s 7 are each amended to read
6 as follows:

7 (1) The house of representatives and the senate shall report
8 annually: The total budget; the portion of the total attributed to
9 staff; and the number of full-time and part-time staff positions by
10 assignment, with dollar figures as well as number of positions.

11 (2) Unless authorized by subsection (3) of this section or
12 otherwise expressly authorized by law, no public funds may be used
13 directly or indirectly for lobbying: PROVIDED, This does not prevent
14 officers or employees of an agency from communicating with a member of
15 the legislature on the request of that member; or communicating to the
16 legislature, through the proper official channels, requests for
17 legislative action or appropriations which are deemed necessary for the
18 efficient conduct of the public business or actually made in the proper

1 performance of their official duties: PROVIDED FURTHER, That this
2 subsection does not apply to the legislative branch.

3 (3) Any agency, not otherwise expressly authorized by law, may
4 expend public funds for lobbying, but such lobbying activity shall be
5 limited to (a) providing information or communicating on matters
6 pertaining to official agency business to any elected official or
7 officer or employee of any agency or (b) advocating the official
8 position or interests of the agency to any elected official or officer
9 or employee of any agency: PROVIDED, That public funds may not be
10 expended as a direct or indirect gift or campaign contribution to any
11 elected official or officer or employee of any agency. For the
12 purposes of this subsection, the term "gift" means a voluntary transfer
13 of any thing of value without consideration of equal or greater value,
14 but does not include informational material transferred for the sole
15 purpose of informing the recipient about matters pertaining to official
16 agency business. This section does not permit the printing of a state
17 publication which has been otherwise prohibited by law.

18 (4) No elective official or any employee of his or her office or
19 any person appointed to or employed by any public office or agency may
20 use or authorize the use of any of the facilities of a public office or
21 agency, directly or indirectly, in any effort to support or oppose an
22 initiative to the legislature. "Facilities of a public office or
23 agency" has the same meaning as in RCW 42.17.130 and 42.52.180. The
24 provisions of this subsection shall not apply to the following
25 activities:

26 (a) Action taken at an open public meeting by members of an elected
27 legislative body to express a collective decision, or to actually vote
28 upon a motion, proposal, resolution, order, or ordinance, or to support
29 or oppose an initiative to the legislature so long as (i) any required
30 notice of the meeting includes the title and number of the initiative
31 to the legislature, and (ii) members of the legislative body or members
32 of the public are afforded an approximately equal opportunity for the
33 expression of an opposing view;

34 (b) A statement by an elected official in support of or in
35 opposition to any initiative to the legislature at an open press
36 conference or in response to a specific inquiry;

37 (c) Activities which are part of the normal and regular conduct of
38 the office or agency;

1 (d) Activities conducted regarding an initiative to the legislature
2 that would be permitted under RCW 42.17.130 and 42.52.180 if conducted
3 regarding other ballot measures.

4 (5) Each state agency, county, city, town, municipal corporation,
5 quasi-municipal corporation, or special purpose district which expends
6 public funds for lobbying shall file with the commission, except as
7 exempted by (d) of this subsection, (~~quarterly~~) statements providing
8 the following information for the (~~quarter~~) calendar month just
9 completed:

10 (a) The name of the agency filing the statement;

11 (b) The name, title, and job description and salary of each elected
12 official, officer, or employee who lobbied, a general description of
13 the nature of the lobbying, and the proportionate amount of time spent
14 on the lobbying;

15 (c) A listing of expenditures incurred by the agency for lobbying
16 including but not limited to travel, consultant or other special
17 contractual services, and brochures and other publications, the
18 principal purpose of which is to influence legislation;

19 (d) For purposes of this subsection the term "lobbying" does not
20 include:

21 (i) Requests for appropriations by a state agency to the office of
22 financial management pursuant to chapter 43.88 RCW nor requests by the
23 office of financial management to the legislature for appropriations
24 other than its own agency budget requests;

25 (ii) Recommendations or reports to the legislature in response to
26 a legislative request expressly requesting or directing a specific
27 study, recommendation, or report by an agency on a particular subject;

28 (iii) Official reports including recommendations submitted to the
29 legislature on an annual or biennial basis by a state agency as
30 required by law;

31 (iv) Requests, recommendations, or other communication between or
32 within state agencies or between or within local agencies;

33 (v) Any other lobbying to the extent that it includes:

34 (A) Telephone conversations or preparation of written
35 correspondence;

36 (B) In-person lobbying on behalf of an agency of no more than four
37 days or parts thereof during any three-month period by officers or
38 employees of that agency and in-person lobbying by any elected official
39 of such agency on behalf of such agency or in connection with the

1 powers, duties, or compensation of such official: PROVIDED, That the
2 total expenditures of nonpublic funds made in connection with such
3 lobbying for or on behalf of any one or more members of the legislature
4 or state elected officials or public officers or employees of the state
5 of Washington do not exceed fifteen dollars for any three-month period:
6 PROVIDED FURTHER, That the exemption under this subsection is in
7 addition to the exemption provided in (A) of this subsection;

8 (C) Preparation or adoption of policy positions.

9 The statements shall be in the form and the manner prescribed by
10 the commission and shall be filed within (~~one month~~) fifteen days
11 after the end of the (~~quarter~~) calendar month covered by the report.

12 (6) In lieu of reporting under subsection (5) of this section any
13 county, city, town, municipal corporation, quasi municipal corporation,
14 or special purpose district may determine and so notify the public
15 disclosure commission, that elected officials, officers, or employees
16 who on behalf of any such local agency engage in lobbying reportable
17 under subsection (5) of this section shall register and report such
18 reportable lobbying in the same manner as a lobbyist who is required to
19 register and report under RCW 42.17.150 and 42.17.170. Each such local
20 agency shall report as a lobbyist employer pursuant to RCW 42.17.180.

21 (7) The provisions of this section do not relieve any elected
22 official or officer or employee of an agency from complying with other
23 provisions of this chapter, if such elected official, officer, or
24 employee is not otherwise exempted.

25 (8) The purpose of this section is to require each state agency and
26 certain local agencies to report the identities of those persons who
27 lobby on behalf of the agency for compensation, together with certain
28 separately identifiable and measurable expenditures of an agency's
29 funds for that purpose. This section shall be reasonably construed to
30 accomplish that purpose and not to require any agency to report any of
31 its general overhead cost or any other costs which relate only
32 indirectly or incidentally to lobbying or which are equally
33 attributable to or inseparable from nonlobbying activities of the
34 agency.

35 The public disclosure commission may adopt rules clarifying and
36 implementing this legislative interpretation and policy.

--- END ---