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HOUSE BILL 1729

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State of Washington

61st Legislature

2009 Regular Session

**By** Representatives Carlyle, Pedersen, Hunt, Ericks, Crouse, Hunter, Haler, White, Dunshee, Seaquist, Lias, Takko, Anderson, Kelley, Goodman, Eddy, Jacks, Van De Wege, Roberts, Orwall, Upthegrove, Rolfes, Hasegawa, Moeller, Wallace, Priest, Dickerson, Hudgins, Darneille, Appleton, Kenney, Conway, and Nelson

Read first time 01/28/09. Referred to Committee on State Government & Tribal Affairs.

1 AN ACT Relating to the enhancement of legislative web sites;  
2 amending RCW 42.52.180; and adding a new section to chapter 42.52 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 42.52 RCW  
5 to read as follows:

6 This chapter shall not be interpreted to hold a legislator or  
7 legislative employee responsible for nonlegislative material found on  
8 nonlegislative web sites in cases where links are established from  
9 their official legislative web sites to any other internet web site,  
10 except those paid for by a candidate as defined by RCW 42.17.020(9) or  
11 political committee as defined by RCW 42.17.020(39).

12 **Sec. 2.** RCW 42.52.180 and 1995 c 397 s 30 are each amended to read  
13 as follows:

14 (1) No state officer or state employee may use or authorize the use  
15 of facilities of an agency, directly or indirectly, for the purpose of  
16 assisting a campaign for election of a person to an office or for the  
17 promotion of or opposition to a ballot proposition. Knowing  
18 acquiescence by a person with authority to direct, control, or

1 influence the actions of the state officer or state employee using  
2 public resources in violation of this section constitutes a violation  
3 of this section. Facilities of an agency include, but are not limited  
4 to, use of stationery, postage, machines, and equipment, use of state  
5 employees of the agency during working hours, vehicles, office space,  
6 publications of the agency, and clientele lists of persons served by  
7 the agency.

8 (2) This section shall not apply to the following activities:

9 (a) Action taken at an open public meeting by members of an elected  
10 legislative body to express a collective decision, or to actually vote  
11 upon a motion, proposal, resolution, order, or ordinance, or to support  
12 or oppose a ballot proposition as long as (i) required notice of the  
13 meeting includes the title and number of the ballot proposition, and  
14 (ii) members of the legislative body or members of the public are  
15 afforded an approximately equal opportunity for the expression of an  
16 opposing view;

17 (b) A statement by an elected official in support of or in  
18 opposition to any ballot proposition at an open press conference or in  
19 response to a specific inquiry. For the purposes of this subsection,  
20 it is not a violation of this section for an elected official to  
21 respond to an inquiry regarding a ballot proposition, to make  
22 incidental remarks concerning a ballot proposition in an official  
23 communication, or otherwise comment on a ballot proposition without an  
24 actual, measurable expenditure of public funds. The ethics boards  
25 shall adopt by rule a definition of measurable expenditure;

26 (c) Usage of an official legislative web site under section 1 of  
27 this act;

28 (d) Activities that are part of the normal and regular conduct of  
29 the office or agency; and

30 ~~((d))~~ (e) De minimis use of public facilities by statewide  
31 elected officials and legislators incidental to the preparation or  
32 delivery of permissible communications, including written and verbal  
33 communications initiated by them of their views on ballot propositions  
34 that foreseeably may affect a matter that falls within their  
35 constitutional or statutory responsibilities.

36 (3) As to state officers and employees, this section operates to

1 the exclusion of RCW 42.17.130.

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