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HOUSE BILL 2118

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State of Washington

52nd Legislature

1991 Regular Session

By Representatives Jacobsen, Betrozoff, Anderson, Wineberry, Heavey, Belcher, Ludwig, Morris, Basich, Kremen, Winsley, Spanel, Sheldon, Ogden, Wood, Franklin, Brekke, Van Luven and Rasmussen.

Read first time February 26, 1991. Referred to Committee on State Government.

1 AN ACT Relating to the use of public facilities; and amending RCW  
2 42.17.130 and 42.17.190.

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

4 **Sec. 1.** RCW 42.17.130 and 1979 ex.s. c 265 s 2 are each amended to  
5 read as follows:

6 No elective official nor any employee of his or her office nor any  
7 person appointed to or employed by any public office or agency may use  
8 or authorize the use of any of the facilities of a public office or  
9 agency, directly or indirectly, for the purpose of assisting a campaign  
10 for election of any person to any office or for the promotion of or  
11 opposition to any ballot proposition. Facilities of public office or  
12 agency include, but are not limited to, use of stationery, postage,  
13 machines, and equipment, use of employees of the office or agency  
14 during working hours, vehicles, office space, publications of the  
15 office or agency, and clientele lists of persons served by the office

1 or agency: PROVIDED, That the foregoing provisions of this section  
2 shall not apply to the following activities:

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

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

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

16 (4) Activities of the student government of an institution of  
17 higher education or the employees of such a student government when the  
18 use of facilities for the activities is paid for by the student  
19 government.

20 **Sec. 2.** RCW 42.17.190 and 1986 c 239 s 1 are each amended to read  
21 as follows:

22 (1) Every legislator and every committee of the legislature shall  
23 file with the commission quarterly reports listing the names,  
24 addresses, and salaries of all persons employed by the person or  
25 committee making the filing for the purpose of aiding in the  
26 preparation or enactment of legislation or the performance of  
27 legislative duties of such legislator or committee during the preceding  
28 quarter. The reports shall be made in the form and the manner  
29 prescribed by the commission and shall be filed between the first and

1 tenth days of each calendar quarter: PROVIDED, That the information  
2 required by this subsection may be supplied, insofar as it is  
3 available, by the chief clerk of the house of representatives or by the  
4 secretary of the senate on a form prepared by the commission.

5 (2) Unless authorized by subsection (3) of this section or  
6 otherwise expressly authorized by law, no public funds may be used  
7 directly or indirectly for lobbying: PROVIDED, This does not prevent  
8 officers or employees of an agency from communicating with a member of  
9 the legislature on the request of that member; or communicating to the  
10 legislature, through the proper official channels, requests for  
11 legislative action or appropriations which are deemed necessary for the  
12 efficient conduct of the public business or actually made in the proper  
13 performance of their official duties: PROVIDED FURTHER, That this  
14 subsection does not apply to the legislative branch.

15 (3) Any agency, not otherwise expressly authorized by law, may  
16 expend public funds for lobbying, but such lobbying activity shall be  
17 limited to (a) providing information or communicating on matters  
18 pertaining to official agency business to any elected official or  
19 officer or employee of any agency or (b) advocating the official  
20 position or interests of the agency to any elected official or officer  
21 or employee of any agency: PROVIDED, That public funds may not be  
22 expended as a direct or indirect gift or campaign contribution to any  
23 elected official or officer or employee of any agency. For the  
24 purposes of this subsection, the term "gift" means a voluntary transfer  
25 of any thing of value without consideration of equal or greater value,  
26 but does not include informational material transferred for the sole  
27 purpose of informing the recipient about matters pertaining to official  
28 agency business: PROVIDED FURTHER, That this section does not permit  
29 the printing of a state publication which has been otherwise prohibited  
30 by law.

1 (4) No elective official or any employee of his or her office or  
2 any person appointed to or employed by any public office or agency may  
3 use or authorize the use of any of the facilities of a public office or  
4 agency, directly or indirectly, in any effort to support or oppose an  
5 initiative to the legislature. "Facilities of a public office or  
6 agency" has the same meaning as in RCW 42.17.130. The provisions of  
7 this subsection shall not apply to the following activities:

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

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

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

21 (d) Activities of the student government of an institution of  
22 higher education or the employees of such a student government when the  
23 use of facilities for the activities is paid for by the student  
24 government.

25 (5) Each state agency, county, city, town, municipal corporation,  
26 quasi-municipal corporation, or special purpose district which expends  
27 public funds for lobbying shall file with the commission, except as  
28 exempted by (d) of this subsection, quarterly statements providing the  
29 following information for the quarter just completed:

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

1 (b) The name, title, and job description and salary of each elected  
2 official, officer, or employee who lobbied, a general description of  
3 the nature of the lobbying, and the proportionate amount of time spent  
4 on the lobbying;

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

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

11 (i) Requests for appropriations by a state agency to the office of  
12 financial management pursuant to chapter 43.88 RCW nor requests by the  
13 office of financial management to the legislature for appropriations  
14 other than its own agency budget requests;

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

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

21 (iv) Requests, recommendations, or other communication between or  
22 within state agencies or between or within local agencies;

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

24 (A) Telephone conversations or preparation of written  
25 correspondence;

26 (B) In-person lobbying on behalf of an agency of no more than four  
27 days or parts thereof during any three-month period by officers or  
28 employees of that agency and in-person lobbying by any elected official  
29 of such agency on behalf of such agency or in connection with the  
30 powers, duties, or compensation of such official: PROVIDED, That the

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

7 (C) Preparation or adoption of policy positions.

8 The statements shall be in the form and the manner prescribed by  
9 the commission and shall be filed within one month after the end of the  
10 quarter covered by the report.

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

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

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

1 indirectly or incidentally to lobbying or which are equally  
2 attributable to or inseparable from nonlobbying activities of the  
3 agency.

4 The public disclosure commission may adopt rules clarifying and  
5 implementing this legislative interpretation and policy.