
HOUSE BILL 2183

State of Washington

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By Representatives Goldsmith, Benton, Mulliken, Buck, Beeksma, McMahan, Koster, Smith, L. Thomas, Sherstad, Reams, Carrell, Campbell, Hickel and Stevens

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1 AN ACT Relating to public agency lobbyists; amending RCW 42.17.160
2 and 42.17.190; reenacting and amending RCW 43.88.030; and adding a new
3 section to chapter 42.17 RCW.

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

5 **Sec. 1.** RCW 42.17.160 and 1995 c 397 s 32 are each amended to read
6 as follows:

7 The following persons and activities shall be exempt from
8 registration and reporting under RCW 42.17.150, 42.17.170, and
9 42.17.200:

10 (1) Persons who limit their lobbying activities to appearing before
11 public sessions of committees of the legislature, or public hearings of
12 state agencies;

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

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

1 (4) Persons who lobby without compensation or other consideration
2 for acting as a lobbyist: PROVIDED, Such person makes no expenditure
3 for or on behalf of any member of the legislature or elected official
4 or public officer or employee of the state of Washington in connection
5 with such lobbying. The exemption contained in this subsection is
6 intended to permit and encourage citizens of this state to lobby any
7 legislator, public official, or state agency without incurring any
8 registration or reporting obligation provided they do not exceed the
9 limits stated above. Any person exempt under this subsection (4) may
10 at his or her option register and report under this chapter;

11 (5) Persons who restrict their lobbying activities to no more than
12 four days or parts thereof during any three-month period and whose
13 lobbying activities are not on behalf of an agency and whose total
14 expenditures during such three-month period for or on behalf of any one
15 or more members of the legislature or state elected officials or public
16 officers or employees of the state of Washington in connection with
17 such lobbying do not exceed twenty-five dollars: PROVIDED, That the
18 commission shall (~~promulgate regulations~~) adopt rules to require
19 disclosure by persons exempt under this subsection or their employers
20 or entities which sponsor or coordinate the lobbying activities of such
21 persons if it determines that such (~~regulations~~) rules are necessary
22 to prevent frustration of the purposes of this chapter. Any person
23 exempt under this subsection (5) may at his or her option register and
24 report under this chapter;

25 (6) The governor;

26 (7) The lieutenant governor;

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

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

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

34 (11) Persons who lobby whose expenses are paid out of student
35 services and activities fees budgeted and approved under RCW
36 28B.15.045.

37 **Sec. 2.** RCW 42.17.190 and 1995 c 397 s 7 are each amended to read
38 as follows:

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

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 the agency head or
10 one authorized designee from communicating to the legislature, through
11 the proper official channels, requests for legislative action or
12 appropriations which are deemed necessary for the efficient conduct of
13 the public business or actually made in the proper performance of their
14 official duties: PROVIDED FURTHER, That this subsection does not apply
15 to the legislative branch.

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

32 (4) No elective official or any employee of his or her office or
33 any person appointed to or employed by any public office or agency may
34 use or authorize the use of any of the facilities of a public office or
35 agency, directly or indirectly, in any effort to support or oppose an
36 initiative to the legislature. "Facilities of a public office or
37 agency" has the same meaning as in RCW 42.17.130 and 42.52.180. The
38 provisions of this subsection shall not apply to the following
39 activities:

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

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

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

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

17 (5) Each state agency, county, city, town, municipal corporation,
18 quasi-municipal corporation, or special purpose district which expends
19 public funds for lobbying shall file with the commission, except as
20 exempted by (d) of this subsection, (~~quarterly~~) monthly statements
21 providing the following information for the (~~quarter~~) month just
22 completed:

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

24 (b) The name, title, and job description and salary of each elected
25 official, officer, or employee who lobbied, a general description of
26 the nature of the lobbying, and the proportionate amount of time spent
27 on the lobbying;

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

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

34 (i) Requests for appropriations by a state agency to the office of
35 financial management pursuant to chapter 43.88 RCW nor requests by the
36 office of financial management to the legislature for appropriations
37 other than its own agency budget requests;

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

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

7 (iv) Requests, recommendations, or other communication between or
8 within state agencies or between or within local agencies;

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

10 (A) Telephone conversations or preparation of written
11 correspondence;

12 ~~(B) ((In person lobbying on behalf of an agency of no more than
13 four days or parts thereof during any three month period by officers or
14 employees of that agency and in person lobbying by any elected official
15 of such agency on behalf of such agency or in connection with the
16 powers, duties, or compensation of such official: PROVIDED, That the
17 total expenditures of nonpublic funds made in connection with such
18 lobbying for or on behalf of any one or more members of the legislature
19 or state elected officials or public officers or employees of the state
20 of Washington do not exceed fifteen dollars for any three month period:
21 PROVIDED FURTHER, That the exemption under this subsection is in
22 addition to the exemption provided in (A) of this subsection;~~

23 ~~(C))~~ Preparation or adoption of policy positions.

24 The statements shall be in the form and the manner prescribed by
25 the commission and shall be filed within one month after the end of the
26 ~~((quarter))~~ month covered by the report.

27 (6) In lieu of reporting under subsection (5) of this section any
28 county, city, town, municipal corporation, quasi municipal corporation,
29 or special purpose district may determine and so notify the public
30 disclosure commission, that elected officials, officers, or employees
31 who on behalf of any such local agency engage in lobbying reportable
32 under subsection (5) of this section shall register and report such
33 reportable lobbying in the same manner as a lobbyist who is required to
34 register and report under RCW 42.17.150 and 42.17.170. Each such local
35 agency shall report as a lobbyist employer pursuant to RCW 42.17.180.

36 (7) The provisions of this section do not relieve any elected
37 official or officer or employee of an agency from complying with other
38 provisions of this chapter, if such elected official, officer, or
39 employee is not otherwise exempted.

1 (8) The purpose of this section is to require each state agency and
2 certain local agencies to report the identities of those persons who
3 lobby on behalf of the agency for compensation whether as agency
4 employees or contract lobbyists, together with certain separately
5 identifiable and measurable expenditures of an agency's funds for that
6 purpose. This section shall be reasonably construed to accomplish that
7 purpose and not to require any agency to report any of its general
8 overhead cost or any other costs which relate only indirectly or
9 incidentally to lobbying or which are equally attributable to or
10 inseparable from nonlobbying activities of the agency.

11 The public disclosure commission may adopt rules clarifying and
12 implementing this legislative interpretation and policy.

13 NEW SECTION. **Sec. 3.** A new section is added to chapter 42.17 RCW
14 to read as follows:

15 If a union or association representing public employees receives
16 public employee member dues from the public employer that have been
17 deducted or withdrawn from the compensation provided to the public
18 employee members, the activities of the union or association lobbying
19 the legislature or a state agency may only be provided by the union
20 president or one authorized designee. This restriction applies to
21 lobbying activity performed by a person receiving compensation from the
22 union or association for such activities and to a person receiving
23 compensation for lobbying activity who provides this lobbying activity
24 by contract.

25 **Sec. 4.** RCW 43.88.030 and 1994 c 247 s 7 and 1994 c 219 s 2 are
26 each reenacted and amended to read as follows:

27 (1) The director of financial management shall provide all agencies
28 with a complete set of instructions for submitting biennial budget
29 requests to the director at least three months before agency budget
30 documents are due into the office of financial management. The
31 director shall provide agencies that are required under RCW 44.40.070
32 to develop comprehensive six-year program and financial plans with a
33 complete set of instructions for submitting these program and financial
34 plans at the same time that instructions for submitting other budget
35 requests are provided. The budget document or documents shall consist
36 of the governor's budget message which shall be explanatory of the
37 budget and shall contain an outline of the proposed financial policies

1 of the state for the ensuing fiscal period, as well as an outline of
2 the proposed six-year financial policies where applicable, and shall
3 describe in connection therewith the important features of the budget.
4 The message shall set forth the reasons for salient changes from the
5 previous fiscal period in expenditure and revenue items and shall
6 explain any major changes in financial policy. Attached to the budget
7 message shall be such supporting schedules, exhibits and other
8 explanatory material in respect to both current operations and capital
9 improvements as the governor shall deem to be useful to the
10 legislature. The budget document or documents shall set forth a
11 proposal for expenditures in the ensuing fiscal period, or six-year
12 period where applicable, based upon the estimated revenues as approved
13 by the economic and revenue forecast council or upon the estimated
14 revenues of the office of financial management for those funds,
15 accounts, and sources for which the office of the economic and revenue
16 forecast council does not prepare an official forecast, including those
17 revenues anticipated to support the six-year programs and financial
18 plans under RCW 44.40.070. In estimating revenues to support financial
19 plans under RCW 44.40.070, the office of financial management shall
20 rely on information and advice from the interagency revenue task force.
21 Revenues shall be estimated for such fiscal period from the source and
22 at the rates existing by law at the time of submission of the budget
23 document, including the supplemental budgets submitted in the even-
24 numbered years of a biennium. However, the estimated revenues for use
25 in the governor's budget document may be adjusted to reflect budgetary
26 revenue transfers and revenue estimates dependent upon budgetary
27 assumptions of enrollments, workloads, and caseloads. All adjustments
28 to the approved estimated revenues must be set forth in the budget
29 document. The governor may additionally submit, as an appendix to each
30 supplemental, biennial, or six-year agency budget or to the budget
31 document or documents, a proposal for expenditures in the ensuing
32 fiscal period from revenue sources derived from proposed changes in
33 existing statutes.

34 Supplemental and biennial documents shall reflect a six-year
35 expenditure plan consistent with estimated revenues from existing
36 sources and at existing rates for those agencies required to submit
37 six-year program and financial plans under RCW 44.40.070. Any
38 additional revenue resulting from proposed changes to existing statutes

1 shall be separately identified within the document as well as related
2 expenditures for the six-year period.

3 The budget document or documents shall also contain:

4 (a) Revenues classified by fund and source for the immediately past
5 fiscal period, those received or anticipated for the current fiscal
6 period, those anticipated for the ensuing biennium, and those
7 anticipated for the ensuing six-year period to support the six-year
8 programs and financial plans required under RCW 44.40.070;

9 (b) The undesignated fund balance or deficit, by fund;

10 (c) Such additional information dealing with expenditures,
11 revenues, workload, performance, and personnel as the legislature may
12 direct by law or concurrent resolution;

13 (d) Such additional information dealing with revenues and
14 expenditures as the governor shall deem pertinent and useful to the
15 legislature;

16 (e) Tabulations showing expenditures classified by fund, function,
17 activity and object;

18 (f) A delineation of each agency's activities, including those
19 activities funded from nonbudgeted, nonappropriated sources, including
20 funds maintained outside the state treasury;

21 (g) Identification of all proposed direct expenditures to implement
22 the Puget Sound water quality plan under chapter 90.70 RCW, shown by
23 agency and in total; ((and))

24 (h) Tabulations showing each postretirement adjustment by
25 retirement system established after fiscal year 1991, to include, but
26 not be limited to, estimated total payments made to the end of the
27 previous biennial period, estimated payments for the present biennium,
28 and estimated payments for the ensuing biennium; and

29 (i) Identification of all FTE's and expenditures for lobbying
30 purposes.

31 (2) The budget document or documents shall include detailed
32 estimates of all anticipated revenues applicable to proposed operating
33 or capital expenditures and shall also include all proposed operating
34 or capital expenditures. The total of beginning undesignated fund
35 balance and estimated revenues less working capital and other reserves
36 shall equal or exceed the total of proposed applicable expenditures.
37 The budget document or documents shall further include:

38 (a) Interest, amortization and redemption charges on the state
39 debt;

1 (b) Payments of all reliefs, judgments and claims;
2 (c) Other statutory expenditures;
3 (d) Expenditures incident to the operation for each agency;
4 (e) Revenues derived from agency operations;
5 (f) Expenditures and revenues shall be given in comparative form
6 showing those incurred or received for the immediately past fiscal
7 period and those anticipated for the current biennium and next ensuing
8 biennium, as well as those required to support the six-year programs
9 and financial plans required under RCW 44.40.070;
10 (g) A showing and explanation of amounts of general fund and other
11 funds obligations for debt service and any transfers of moneys that
12 otherwise would have been available for appropriation;
13 (h) Common school expenditures on a fiscal-year basis;
14 (i) A showing, by agency, of the value and purpose of financing
15 contracts for the lease/purchase or acquisition of personal or real
16 property for the current and ensuing fiscal periods; and
17 (j) A showing and explanation of anticipated amounts of general
18 fund and other funds required to amortize the unfunded actuarial
19 accrued liability of the retirement system specified under chapter
20 41.45 RCW, and the contributions to meet such amortization, stated in
21 total dollars and as a level percentage of total compensation.
22 (3) A separate capital budget document or schedule shall be
23 submitted that will contain the following:
24 (a) A statement setting forth a long-range facilities plan for the
25 state that identifies and includes the highest priority needs within
26 affordable spending levels;
27 (b) A capital program consisting of proposed capital projects for
28 the next biennium and the two biennia succeeding the next biennium
29 consistent with the long-range facilities plan. Inasmuch as is
30 practical, and recognizing emergent needs, the capital program shall
31 reflect the priorities, projects, and spending levels proposed in
32 previously submitted capital budget documents in order to provide a
33 reliable long-range planning tool for the legislature and state
34 agencies;
35 (c) A capital plan consisting of proposed capital spending for at
36 least four biennia succeeding the next biennium;
37 (d) A statement of the reason or purpose for a project;
38 (e) Verification that a project is consistent with the provisions
39 set forth in chapter 36.70A RCW;

- 1 (f) A statement about the proposed site, size, and estimated life
2 of the project, if applicable;
- 3 (g) Estimated total project cost;
- 4 (h) For major projects valued over five million dollars, estimated
5 costs for the following project components: Acquisition, consultant
6 services, construction, equipment, project management, and other costs
7 included as part of the project. Project component costs shall be
8 displayed in a standard format defined by the office of financial
9 management to allow comparisons between projects;
- 10 (i) Estimated total project cost for each phase of the project as
11 defined by the office of financial management;
- 12 (j) Estimated ensuing biennium costs;
- 13 (k) Estimated costs beyond the ensuing biennium;
- 14 (l) Estimated construction start and completion dates;
- 15 (m) Source and type of funds proposed;
- 16 (n) Estimated ongoing operating budget costs or savings resulting
17 from the project, including staffing and maintenance costs;
- 18 (o) For any capital appropriation requested for a state agency for
19 the acquisition of land or the capital improvement of land in which the
20 primary purpose of the acquisition or improvement is recreation or
21 wildlife habitat conservation, the capital budget document, or an
22 omnibus list of recreation and habitat acquisitions provided with the
23 governor's budget document, shall identify the projected costs of
24 operation and maintenance for at least the two biennia succeeding the
25 next biennium. Omnibus lists of habitat and recreation land
26 acquisitions shall include individual project cost estimates for
27 operation and maintenance as well as a total for all state projects
28 included in the list. The document shall identify the source of funds
29 from which the operation and maintenance costs are proposed to be
30 funded;
- 31 (p) Such other information bearing upon capital projects as the
32 governor deems to be useful;
- 33 (q) Standard terms, including a standard and uniform definition of
34 maintenance for all capital projects;
- 35 (r) Such other information as the legislature may direct by law or
36 concurrent resolution.

37 For purposes of this subsection (3), the term "capital project"
38 shall be defined subsequent to the analysis, findings, and
39 recommendations of a joint committee comprised of representatives from

1 the house capital appropriations committee, senate ways and means
2 committee, legislative transportation committee, legislative evaluation
3 and accountability program committee, and office of financial
4 management.

5 (4) No change affecting the comparability of agency or program
6 information relating to expenditures, revenues, workload, performance
7 and personnel shall be made in the format of any budget document or
8 report presented to the legislature under this section or RCW
9 43.88.160(1) relative to the format of the budget document or report
10 which was presented to the previous regular session of the legislature
11 during an odd-numbered year without prior legislative concurrence.
12 Prior legislative concurrence shall consist of (a) a favorable majority
13 vote on the proposal by the standing committees on ways and means of
14 both houses if the legislature is in session or (b) a favorable
15 majority vote on the proposal by members of the legislative evaluation
16 and accountability program committee if the legislature is not in
17 session.

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