
State Government & Tribal Relations Committee

SSB 5861

Brief Description: Extending respectful workplace code of conduct provisions to all members of the legislative community.

Sponsors: Senate Committee on State Government, Tribal Relations & Elections (originally sponsored by Senators Dhingra, Rivers, Hunt, Wellman, Hasegawa, Darneille, Saldaña, Cleveland, Conway, Frockt, Keiser, Kuderer, Liias, Palumbo, Randall and Wilson, C.).

Brief Summary of Substitute Bill

- Requires lobbyist registration statements to include an attestation that the lobbyist has read and completed a training course on the Respectful Workplace Codes of Conduct adopted by the Senate and House of Representatives.
- Requires the Public Disclosure Commission (PDC) to publish lobbyists' attestations alongside their picture and employer information in the booklet of registered lobbyists.
- Requires the PDC to notify a lobbyist's employers if a complaint and investigation finds that a lobbyist has violated a Respectful Workplace Code of Conduct.

Hearing Date: 3/19/19

Staff: Jason Zolle (786-7124).

Background:

The Public Disclosure Commission (PDC) is a five-member body that is charged with regulating candidates, campaigns, and lobbyists in Washington state. Lobbying is defined as attempting to influence the passage or defeat of any state legislation or the adoption or rejection of a state agency rule, standard, rate, or other legislative enactment.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Many lobbyists must register with the PDC before they may lobby or within 30 days of being employed as a lobbyist. The registration statement must include:

- various business and residential addresses;
- information about the lobbyist's employer and certain terms of employment, including compensation;
- the general subject or subjects on which the lobbyist works;
- written confirmation from the lobbyist's employer(s);
- the name and address of the person who will have custody of the various documents that lobbyists are required to keep;
- if the lobbyist's employer lobbies on behalf of businesses, groups, associations, or organizations, certain payments made to the lobbyist's employer.

Registration statements must be updated within one week of any change in employment. New registration statements must be filed in each odd-numbered year.

People who engage in lobbying are not required to register if they:

- appear only in public sessions or hearings;
- limit their activity to media or press features;
- do not receive compensation or other consideration for lobbying, and make no lobbying-related expenditures for or on behalf of state officials, officers, or employees;
- lobby no more than four days in any three-month period, and make no more than \$50 in lobbying-related expenditures for or on behalf of state officials, officers, or employees; or
- are state officials, officers, or employees of agencies that spend public funds on lobbying.

The PDC publishes a booklet that contains a picture and brief biographical description of each registered lobbyist, submitted by the lobbyist, along with the name of the lobbyist's employer(s) and the length of time that the lobbyist has lobbied the Legislature.

Registered lobbyists are prohibited from:

- lobbying prior to registration;
- knowingly deceiving, or attempting to deceive, a legislator regarding the facts pertaining to pending or proposed legislation;
- causing or influencing the introduction or amendment of a bill for the purpose of later securing its defeat;
- knowingly representing an interest adverse to the lobbyist's employer without first obtaining the employer's written consent;
- exercising undue influence, extortion, or unlawful retaliation upon a legislator due to the legislator's position or vote on legislation; and
- entering into an agreement in which compensation is contingent upon success in influencing legislation.

Violations of these rules may cause the PDC to revoke a lobbyist's registration or impose a civil fine or both.

Each chamber of the Legislature has an internal policy that regulates employee conduct at work: the Senate's Policy on Appropriate Workplace Conduct and the House of Representatives' Respectful Workplace Policy. In January 2019 the Legislature jointly adopted a Code of Conduct that applies to all members of the legislative community including legislators, legislative employees, and other government officials and employees, as well as lobbyists,

members of the press, and members of the public. The Code of Conduct requires legislative community members to:

- conduct themselves with self-awareness, self-respect, and professionalism;
- treat all others with respect, dignity, and civility, regardless of status or position; and
- refrain from engaging in hostile, intimidating, offensive, and possibly unlawful activities or behaviors that amount to discrimination, harassment, sexual harassment, or bullying.

The House and Representatives and the Senate regularly provide training to legislative employees about sexual harassment and other inappropriate work behavior.

Summary of Bill:

The PDC must create a training course for the Respectful Workplace Codes of Conduct adopted by the House of Representatives and the Senate.

Lobbyist registration statements must include an attestation that the lobbyist has read and completed a training course on the Respectful Workplace Codes of Conduct. The PDC must publish the lobbyists' attestations alongside their picture and employer information in the booklet of registered lobbyists.

The PDC must notify a lobbyist's employers if a complaint and investigation under a chamber's Respectful Workplace Policy finds that a lobbyist has violated a chamber's Respectful Workplace Code of Conduct.

Appropriation: None.

Fiscal Note: Available.

Effective Date: This bill takes effect on December 1, 2019, except for section 1, relating to the creation of a training course by the Public Disclosure Commission, which takes effect 90 days after adjournment of the session in which the bill is passed.