

HOUSE BILL REPORT

SSB 5861

As Passed House - Amended:

April 15, 2019

Title: An act relating to extending respectful workplace code of conduct provisions to all members of the legislative community.

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 History:

Committee Activity:

State Government & Tribal Relations: 3/19/19, 4/2/19 [DPA].

Floor Activity:

Passed House - Amended: 4/15/19, 97-0.

Brief Summary of Substitute Bill (As Amended by House)

- Requires the Chief Clerk of the House of Representatives and the Secretary of the Senate to develop and provide a training course for registered lobbyists regarding the Legislature's Code of Conduct and any policies related to appropriate conduct adopted by the Senate and House of Representatives.
- Requires lobbyist registration statements to include an attestation that the lobbyist has read and completed the training course, which will be published alongside the lobbyist's picture and employer information in the Public Disclosure Commission's (PDC) booklet of registered lobbyists.
- Requires the PDC to revoke the registration of registered lobbyists who do not update their registration materials to include the attestation by December 31, 2019.
- Requires the PDC to collaborate with the Legislature to develop a process to verify that lobbyists who attest to having taken the appropriate conduct training course have, in fact, taken the training course.

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.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL RELATIONS

Majority Report: Do pass as amended. Signed by 9 members: Representatives Gregerson, Chair; Pellicciotti, Vice Chair; Walsh, Ranking Minority Member; Goehner, Assistant Ranking Minority Member; Appleton, Dolan, Hudgins, Mosbrucker and Smith.

Staff: Jason Zolle (786-7124).

Background:

Conduct-related Policies.

Each chamber of the Legislature has a policy that regulates employee conduct at work: the Senate's Policy on Appropriate Workplace Conduct and the House of Representatives' Respectful Workplace Policy. These policies include protocols for complaints and investigations. 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.

Lobbyist Registration.

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.

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; and
- 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.

Summary of Amended Bill:

The Chief Clerk of the House of Representatives and the Secretary of the Senate must develop and provide a training course for registered lobbyists regarding the Legislature's Code of Conduct and any policies related to appropriate conduct adopted by the House of Representatives and the Senate.

Lobbyist registration statements must include an attestation that the lobbyist has read and completed the training course. The PDC must publish the lobbyists' attestations alongside their picture and employer information in the booklet of registered lobbyists. The PDC must collaborate with the Legislature to develop a process to verify that lobbyists who attest to having taken the appropriate conduct training course have, in fact, taken the training course.

A lobbyist who is already registered on the effective date of this section must update his or her registration materials to include the attestation by December 31, 2019. The PDC must revoke the registration of any lobbyist who does not, but the PDC may not impose any other penalty for failure to do so.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: This bill takes effect 90 days after adjournment of the session in which the bill is passed, except for sections 2 and 3, relating to the attestation requirement, which take effect December 31, 2019.

Staff Summary of Public Testimony:

(In support) This bill is the result of work on the legislative Code of Conduct, and the goal is to ensure that people who participate in the legislative community are held accountable for their behavior. Harassment in the workplace must be addressed to create a culture where people are respected, feel valued, and feel safe. There have been many improvements in the past year, but this bill will ensure that every person is held responsible. It is a significant sanction that clients will be notified if a lobbyist violates the Code of Conduct, but that sanction is appropriate and just.

(Opposed) This bill attacks free speech by requiring people to take a government-sponsored course before they can engage with the Legislature. The bill also creates due process concerns if a private investigation outside a court of law without a jury of one's peers could result in a finding that affects a lobbyist's livelihood. Lobbyists are private citizens who work for organizations, not the Legislature. It is hard to be opposed to a good work environment, and the goal is good, but this bill raises significant constitutional issues.

(Other) Lobbyists are confused about what the investigation process will look like, and many are concerned about a lack of transparency about how those investigations will take place. There must be due process before clients are contacted. Contacting clients about conduct may take away someone's livelihood.

Persons Testifying: (In support) Senator Dhingra, prime sponsor; Lindsey Grad, Service Employees International Union Healthcare 1199NW; and Rebecca Johnson.

(Opposed) Jan Himebaugh, Building Industry Association of Washington.

(Other) Carrie Tellefson, Miller Malone & Tellefson.

Persons Signed In To Testify But Not Testifying: None.