
SUBSTITUTE HOUSE BILL 2118

State of Washington 52nd Legislature 1991 Regular Session

By House Committee on State Government (originally sponsored 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 March 6, 1991.

1 AN ACT Relating to the use of public facilities; amending RCW
2 42.17.190; creating a new section; and providing an expiration date.

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

4 **Sec. 1.** RCW 42.17.190 and 1986 c 239 s 1 are each amended to read
5 as follows:

6 (1) Every legislator and every committee of the legislature shall
7 file with the commission quarterly reports listing the names,
8 addresses, and salaries of all persons employed by the person or
9 committee making the filing for the purpose of aiding in the
10 preparation or enactment of legislation or the performance of
11 legislative duties of such legislator or committee during the preceding
12 quarter. The reports shall be made in the form and the manner
13 prescribed by the commission and shall be filed between the first and
14 tenth days of each calendar quarter: PROVIDED, That the information
15 required by this subsection may be supplied, insofar as it is

1 available, by the chief clerk of the house of representatives or by the
2 secretary of the senate on a form prepared by the commission.

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

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

29 (4) No elective official or any employee of his or her office or
30 any person appointed to or employed by any public office or agency may

1 use or authorize the use of any of the facilities of a public office or
2 agency, directly or indirectly, in any effort to support or oppose an
3 initiative to the legislature. "Facilities of a public office or
4 agency" has the same meaning as in RCW 42.17.130. The provisions of
5 this subsection shall not apply to the following activities:

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

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

17 (c) Activities which are part of the normal and regular conduct of
18 the office or agency.

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

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

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

29 (c) A listing of expenditures incurred by the agency for lobbying
30 including but not limited to travel, consultant or other special

1 contractual services, and brochures and other publications, the
2 principal purpose of which is to influence legislation;

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

5 (i) Requests for appropriations by a state agency to the office of
6 financial management pursuant to chapter 43.88 RCW nor requests by the
7 office of financial management to the legislature for appropriations
8 other than its own agency budget requests;

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

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

15 (iv) Requests, recommendations, or other communication between or
16 within state agencies or between or within local agencies;

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

18 (A) Telephone conversations or preparation of written
19 correspondence;

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

1 (C) Preparation or adoption of policy positions.

2 The statements shall be in the form and the manner prescribed by
3 the commission and shall be filed within one month after the end of the
4 quarter covered by the report.

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

14 (7) The provisions of this section do not relieve any elected
15 official or officer or employee of an agency from complying with other
16 provisions of this chapter, if such elected official, officer, or
17 employee is not otherwise exempted.

18 (8) For the purposes of this section, a state institution of higher
19 education and the student government of the institution are separate
20 state agencies. The institution and the student government of the
21 institution may enter a cooperative agreement under which a report
22 required of the institution by this section for a filing period and a
23 report required of its student government for the period may be
24 consolidated and filed as one report.

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

1 its general overhead cost or any other costs which relate only
2 indirectly or incidentally to lobbying or which are equally
3 attributable to or inseparable from nonlobbying activities of the
4 agency.

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

7 NEW SECTION. **Sec. 2.** (1) The legislature acknowledges the
8 laudable goals of RCW 42.17.130 and 42.17.190(4) in restricting the use
9 of public facilities for election or ballot measure campaigns. The
10 legislature also acknowledges that the free exchange of political and
11 other ideas on campuses of institutions of higher education and the
12 participation of students in student government are essential to the
13 overall objectives of these institutions in providing students with the
14 knowledge and experience appropriate for full participation in the
15 affairs of our society and its fundamental cornerstone, self
16 government.

17 (2) The attorney general shall review the policies of the various
18 state institutions of higher education for implementing RCW 42.17.130
19 and 42.17.190(4) regarding the use of public facilities. The purpose
20 of this review is to ensure that those policies do not unduly restrict
21 the free exchange of views and information which is so essential to the
22 educational process and to student participation in democratic
23 processes. The attorney general shall prepare a report on whether, in
24 the opinion of the attorney general, the policies of one or more
25 institutions are unduly restrictive by this measure or whether there is
26 a divergence in policies between institutions on what is an appropriate
27 activity of a student government organization under RCW 42.17.130 and
28 42.17.190(4). Prior to the convening of the 1992 regular session of
29 the legislature, the attorney general shall submit this report,

1 together with any recommended legislation, to the president of the
2 senate and chief clerk of the house of representatives.

3 NEW SECTION. **Sec. 3.** Section 2 of this act shall expire on
4 January 15, 1992.