

1 **SHB 2289 - H AMD 079 ADOPTED 02-07-96**

2 By Representative Foreman

3 On page 1, after the enacting clause, strike the remainder of
4 the bill and insert:

5 "NEW SECTION. **Sec. 1.** (1) The legislature affirms that the
6 legislative authority of the state of Washington is vested in the
7 legislative branch of government and that the legislative body
8 alone is given the constitutional duty and power to establish
9 public policy through the enactment of state law.

10 (2) The legislature affirms that the executive authority of
11 the state of Washington is vested in the executive branch of
12 government, that the executive branch is given the constitutional
13 duty and power to see that the laws enacted by the legislature are
14 faithfully executed, and that the supreme executive power of state
15 government is vested in the office of the governor.

16 (3) The legislature finds that to ensure responsible and
17 accountable government, lobbying activities at public expense to
18 influence the public decision-making process in the legislative
19 branch of government should be restricted.

20 (4) The legislature further finds that restrictions on
21 lobbying activities at public expense by individuals employed by
22 state agencies or units of local government will reduce the cost of
23 maintaining efficient government, increase public confidence in the
24 integrity of government, and assist in restoring representative
25 government to the people.

26 (5) It is therefore the intent of the legislature to restrict
27 lobbying activities at public expense by state agencies or units of
28 local government to influence the public decision-making process in
29 the legislative branch of government and to consolidate such
30 activities within the office of the governor.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 41.04
2 RCW to read as follows:

3 (1) Except as provided in subsection (4)(b) of this section,
4 representatives of state agencies or units of local government may
5 not participate in lobbying activities as part of their public
6 employment responsibilities. Nothing in this subsection precludes
7 representatives of state agencies or units of local government from
8 engaging in lobbying activities as private citizens outside of
9 their working hours without using public facilities or supplies to
10 prepare their testimony or materials.

11 (2) On or before July 31st of each year, each state agency
12 shall report to the office of financial management on its
13 expenditures associated with lobbying activities during the prior
14 fiscal year. On or before January 31st of each year, each unit of
15 local government shall report to the office of financial management
16 on its expenditures associated with lobbying activities during the
17 prior calendar year.

18 (3) A representative of state agencies or units of local
19 government who authorizes, directs, or participates in lobbying
20 activities in violation of this section is guilty of a civil
21 infraction punishable by a fine of not more than one thousand
22 dollars for each violation.

23 (4) Unless the context requires otherwise, the definitions in
24 this subsection apply throughout the entire section.

25 (a) "Lobbying activities" means any oral or written
26 communication, including electronic communication, to members of
27 the legislature or legislative staff with regard to the advocacy
28 of, or opposition to, the formulation, modification, or adoption of
29 state legislation or other legislative proposal, and includes
30 motivating others to contact members of the legislature or
31 legislative staff with regard to the advocacy of, or opposition to,
32 the formulation, modification, or adoption of state legislation or
33 other legislative proposals. "Lobbying activities" does not

1 include providing factual information to members of the legislature
2 or legislative staff in response to a request made by a member of
3 the legislature or legislative staff.

4 (b) "Representative of a state agency or unit of local
5 government" means an employee of a state agency or unit of local
6 government or a nonemployee of a state agency or unit of local
7 government who has entered into a contractual agreement with the
8 state agency or unit of local government to represent the state
9 agency or local government for financial remuneration.
10 "Representative of a state agency or unit of local government" does
11 not include: (i) a state-wide elected official and one designated
12 representative of a state-wide elected official who is employed in
13 the office of the state-wide elected official; (ii) the president
14 of an institution of higher education and one designated
15 representative of the president of an institution of higher
16 education; (iii) the chief executive officer of each state agency
17 listed in RCW 43.17.020 and one designated representative of each
18 of such chief executive officer; (iv) an elected official of a unit
19 of local government and one designated representative from each
20 unit of local government; or (v) one designated employee of each
21 association of units of local government or association of
22 officials of units of local government.

23 (c) "State agency" includes every entity of state government
24 that is subject to audit by the state auditor, including, but not
25 limited to, a state office, department, division, bureau, board,
26 commission, or other state agency.

27 (d) "Unit of local government" means every county, city, town,
28 fire protection district, sewer district, school district, public
29 utility district, library district, port district, irrigation
30 district, or other municipal or quasi-municipal corporation."
31

EFFECT: Adds the following officials or employees to those who were allowed to lobby under the substitute bill: (1) the president of an institution of higher education and one designated representative of the president of an institution of higher education; (2) the chief executive officer of each state agency listed in RCW 43.17.020 and one designated representative of each of such chief executive officer; (3) one designated representative from each unit of local government; and (4) one designated employee of each association of local governments or local officials.