

2 EHB 1271 - S COMM AMD

3 By Committee on Law & Justice

4

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 42.17.160 and 1982 c 147 s 12 are each amended to
8 read as follows:

9 The following persons and activities shall be exempt from
10 registration and reporting under RCW 42.17.150, 42.17.170, and
11 42.17.200:

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

15 (2) 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;

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

29 (4) Persons who restrict their lobbying activities to no more than
30 four days or parts thereof during any three-month period and whose
31 total expenditures during such three-month period for or on behalf of
32 any one or more members of the legislature or state elected officials
33 or public officers or employees of the state of Washington in
34 connection with such lobbying do not exceed twenty-five (~~{{dollars}}~~)
35 dollars: PROVIDED, That the commission shall (~~((promulgate~~
36 regulations)) adopt rules to require disclosure by persons exempt under

1 this subsection or their employers or entities which sponsor or
2 coordinate the lobbying activities of such persons if it determines
3 that such (~~regulations~~) rules are necessary to prevent frustration of
4 the purposes of this chapter. Any person exempt under this subsection
5 (4) may at his or her option register and report under this chapter;
6 (5) The governor;
7 (6) The lieutenant governor;
8 (7) Except as provided by RCW 42.17.190(1), members of the
9 legislature;
10 (8) Except as provided by RCW 42.17.190(1), persons employed by the
11 legislature for the purpose of aiding in the preparation or enactment
12 of legislation or the performance of legislative duties;
13 (9) Elected officials, and officers and employees of any agency
14 reporting under RCW 42.17.190(4) (~~as now or hereafter amended~~); and
15 (10) Persons who lobby whose expenses are paid out of student
16 services and activities fees budgeted and approved under RCW
17 28B.15.045.

18 **Sec. 2.** RCW 42.17.190 and 1986 c 239 s 1 are each amended to read
19 as follows:

20 (1) Every legislator and every committee of the legislature shall
21 file with the commission quarterly reports listing the names,
22 addresses, and salaries of all persons employed by the person or
23 committee making the filing for the purpose of aiding in the
24 preparation or enactment of legislation or the performance of
25 legislative duties of such legislator or committee during the preceding
26 quarter. The reports shall be made in the form and the manner
27 prescribed by the commission and shall be filed between the first and
28 tenth days of each calendar quarter: PROVIDED, That the information
29 required by this subsection may be supplied, insofar as it is
30 available, by the chief clerk of the house of representatives or by the
31 secretary of the senate on a form prepared by the commission.

32 (2) Unless authorized by subsection (3) of this section or
33 otherwise expressly authorized by law, no public funds may be used
34 directly or indirectly for lobbying: PROVIDED, This does not prevent
35 officers or employees of an agency from communicating with a member of
36 the legislature on the request of that member; or the state agency head
37 or two authorized designees, or the local agency, in addition to any
38 elected official, from communicating to the legislature, through the

1 proper official channels, requests for legislative action or
2 appropriations which are deemed necessary for the efficient conduct of
3 the public business or actually made in the proper performance of their
4 official duties: PROVIDED FURTHER, That this subsection does not apply
5 to the legislative branch. However, the restriction on state agency
6 lobbying shall not apply to public hearings at which public testimony
7 is taken.

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

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

34 (a) Action taken at an open public meeting by members of an elected
35 legislative body to express a collective decision, or to actually vote
36 upon a motion, proposal, resolution, order, or ordinance, or to support
37 or oppose an initiative to the legislature so long as (i) any required
38 notice of the meeting includes the title and number of the initiative
39 to the legislature, and (ii) members of the legislative body or members

1 of the public are afforded an approximately equal opportunity for the
2 expression of an opposing view;

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

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

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

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

15 (b) The name, title, and job description and salary of each elected
16 official, officer, or employee who lobbied, a general description of
17 the nature of the lobbying, and the proportionate amount of time spent
18 on the lobbying;

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

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

25 (i) Requests for appropriations by a state agency to the office of
26 financial management pursuant to chapter 43.88 RCW nor requests by the
27 office of financial management to the legislature for appropriations
28 other than its own agency budget requests;

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

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

35 (iv) Requests, recommendations, or other communication between or
36 within state agencies or between or within local agencies;

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

38 (A) Telephone conversations or preparation of written
39 correspondence;

1 (B) In-person lobbying on behalf of ((an)) a local agency of no
2 more than four days or parts thereof during any three-month period by
3 officers or employees of that local agency and in-person lobbying by
4 any elected official of such local agency on behalf of such agency or
5 in connection with the powers, duties, or compensation of such
6 official: PROVIDED, That the total expenditures of nonpublic funds
7 made in connection with such lobbying for or on behalf of any one or
8 more members of the legislature or state elected officials or public
9 officers or employees of the state of Washington do not exceed fifteen
10 dollars for any three-month period: PROVIDED FURTHER, That the
11 exemption under this subsection is in addition to the exemption
12 provided in (A) of this subsection;

13 (C) Preparation or adoption of policy positions.

14 The statements shall be in the form and the manner prescribed by
15 the commission and shall be filed within one month after the end of the
16 ((quarter)) month covered by the report.

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

26 (7) The provisions of this section do not relieve any elected
27 official or officer or employee of an agency from complying with other
28 provisions of this chapter, if such elected official, officer, or
29 employee is not otherwise exempted.

30 (8) The purpose of this section is to require each state agency and
31 certain local agencies to report the identities of those persons who
32 lobby on behalf of the agency for compensation whether as agency
33 employees or contract lobbyists, together with certain separately
34 identifiable and measurable expenditures of an agency's funds for that
35 purpose. This section shall be reasonably construed to accomplish that
36 purpose and not to require any agency to report any of its general
37 overhead cost or any other costs which relate only indirectly or
38 incidentally to lobbying or which are equally attributable to or
39 inseparable from nonlobbying activities of the agency.

1 The public disclosure commission may adopt rules clarifying and
2 implementing this legislative interpretation and policy.

3 **Sec. 3.** RCW 43.88.030 and 1994 c 247 s 7 and 1994 c 219 s 2 are
4 each reenacted and amended to read as follows:

5 (1) The director of financial management shall provide all agencies
6 with a complete set of instructions for submitting biennial budget
7 requests to the director at least three months before agency budget
8 documents are due into the office of financial management. The
9 director shall provide agencies that are required under RCW 44.40.070
10 to develop comprehensive six-year program and financial plans with a
11 complete set of instructions for submitting these program and financial
12 plans at the same time that instructions for submitting other budget
13 requests are provided. The budget document or documents shall consist
14 of the governor's budget message which shall be explanatory of the
15 budget and shall contain an outline of the proposed financial policies
16 of the state for the ensuing fiscal period, as well as an outline of
17 the proposed six-year financial policies where applicable, and shall
18 describe in connection therewith the important features of the budget.
19 The message shall set forth the reasons for salient changes from the
20 previous fiscal period in expenditure and revenue items and shall
21 explain any major changes in financial policy. Attached to the budget
22 message shall be such supporting schedules, exhibits and other
23 explanatory material in respect to both current operations and capital
24 improvements as the governor shall deem to be useful to the
25 legislature. The budget document or documents shall set forth a
26 proposal for expenditures in the ensuing fiscal period, or six-year
27 period where applicable, based upon the estimated revenues as approved
28 by the economic and revenue forecast council or upon the estimated
29 revenues of the office of financial management for those funds,
30 accounts, and sources for which the office of the economic and revenue
31 forecast council does not prepare an official forecast, including those
32 revenues anticipated to support the six-year programs and financial
33 plans under RCW 44.40.070. In estimating revenues to support financial
34 plans under RCW 44.40.070, the office of financial management shall
35 rely on information and advice from the interagency revenue task force.
36 Revenues shall be estimated for such fiscal period from the source and
37 at the rates existing by law at the time of submission of the budget
38 document, including the supplemental budgets submitted in the even-

1 numbered years of a biennium. However, the estimated revenues for use
2 in the governor's budget document may be adjusted to reflect budgetary
3 revenue transfers and revenue estimates dependent upon budgetary
4 assumptions of enrollments, workloads, and caseloads. All adjustments
5 to the approved estimated revenues must be set forth in the budget
6 document. The governor may additionally submit, as an appendix to each
7 supplemental, biennial, or six-year agency budget or to the budget
8 document or documents, a proposal for expenditures in the ensuing
9 fiscal period from revenue sources derived from proposed changes in
10 existing statutes.

11 Supplemental and biennial documents shall reflect a six-year
12 expenditure plan consistent with estimated revenues from existing
13 sources and at existing rates for those agencies required to submit
14 six-year program and financial plans under RCW 44.40.070. Any
15 additional revenue resulting from proposed changes to existing statutes
16 shall be separately identified within the document as well as related
17 expenditures for the six-year period.

18 The budget document or documents shall also contain:

19 (a) Revenues classified by fund and source for the immediately past
20 fiscal period, those received or anticipated for the current fiscal
21 period, those anticipated for the ensuing biennium, and those
22 anticipated for the ensuing six-year period to support the six-year
23 programs and financial plans required under RCW 44.40.070;

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

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

28 (d) Such additional information dealing with revenues and
29 expenditures as the governor shall deem pertinent and useful to the
30 legislature;

31 (e) Tabulations showing expenditures classified by fund, function,
32 activity and object;

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

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

1 (h) Tabulations showing each postretirement adjustment by
2 retirement system established after fiscal year 1991, to include, but
3 not be limited to, estimated total payments made to the end of the
4 previous biennial period, estimated payments for the present biennium,
5 and estimated payments for the ensuing biennium; and

6 (i) Identification of all FTE's and expenditures for lobbying
7 purposes.

8 (2) The budget document or documents shall include detailed
9 estimates of all anticipated revenues applicable to proposed operating
10 or capital expenditures and shall also include all proposed operating
11 or capital expenditures. The total of beginning undesignated fund
12 balance and estimated revenues less working capital and other reserves
13 shall equal or exceed the total of proposed applicable expenditures.
14 The budget document or documents shall further include:

15 (a) Interest, amortization and redemption charges on the state
16 debt;

17 (b) Payments of all reliefs, judgments and claims;

18 (c) Other statutory expenditures;

19 (d) Expenditures incident to the operation for each agency;

20 (e) Revenues derived from agency operations;

21 (f) Expenditures and revenues shall be given in comparative form
22 showing those incurred or received for the immediately past fiscal
23 period and those anticipated for the current biennium and next ensuing
24 biennium, as well as those required to support the six-year programs
25 and financial plans required under RCW 44.40.070;

26 (g) A showing and explanation of amounts of general fund and other
27 funds obligations for debt service and any transfers of moneys that
28 otherwise would have been available for appropriation;

29 (h) Common school expenditures on a fiscal-year basis;

30 (i) A showing, by agency, of the value and purpose of financing
31 contracts for the lease/purchase or acquisition of personal or real
32 property for the current and ensuing fiscal periods; and

33 (j) A showing and explanation of anticipated amounts of general
34 fund and other funds required to amortize the unfunded actuarial
35 accrued liability of the retirement system specified under chapter
36 41.45 RCW, and the contributions to meet such amortization, stated in
37 total dollars and as a level percentage of total compensation.

38 (3) A separate capital budget document or schedule shall be
39 submitted that will contain the following:

- 1 (a) A statement setting forth a long-range facilities plan for the
2 state that identifies and includes the highest priority needs within
3 affordable spending levels;
- 4 (b) A capital program consisting of proposed capital projects for
5 the next biennium and the two biennia succeeding the next biennium
6 consistent with the long-range facilities plan. Inasmuch as is
7 practical, and recognizing emergent needs, the capital program shall
8 reflect the priorities, projects, and spending levels proposed in
9 previously submitted capital budget documents in order to provide a
10 reliable long-range planning tool for the legislature and state
11 agencies;
- 12 (c) A capital plan consisting of proposed capital spending for at
13 least four biennia succeeding the next biennium;
- 14 (d) A statement of the reason or purpose for a project;
- 15 (e) Verification that a project is consistent with the provisions
16 set forth in chapter 36.70A RCW;
- 17 (f) A statement about the proposed site, size, and estimated life
18 of the project, if applicable;
- 19 (g) Estimated total project cost;
- 20 (h) For major projects valued over five million dollars, estimated
21 costs for the following project components: Acquisition, consultant
22 services, construction, equipment, project management, and other costs
23 included as part of the project. Project component costs shall be
24 displayed in a standard format defined by the office of financial
25 management to allow comparisons between projects;
- 26 (i) Estimated total project cost for each phase of the project as
27 defined by the office of financial management;
- 28 (j) Estimated ensuing biennium costs;
- 29 (k) Estimated costs beyond the ensuing biennium;
- 30 (l) Estimated construction start and completion dates;
- 31 (m) Source and type of funds proposed;
- 32 (n) Estimated ongoing operating budget costs or savings resulting
33 from the project, including staffing and maintenance costs;
- 34 (o) For any capital appropriation requested for a state agency for
35 the acquisition of land or the capital improvement of land in which the
36 primary purpose of the acquisition or improvement is recreation or
37 wildlife habitat conservation, the capital budget document, or an
38 omnibus list of recreation and habitat acquisitions provided with the
39 governor's budget document, shall identify the projected costs of

1 operation and maintenance for at least the two biennia succeeding the
2 next biennium. Omnibus lists of habitat and recreation land
3 acquisitions shall include individual project cost estimates for
4 operation and maintenance as well as a total for all state projects
5 included in the list. The document shall identify the source of funds
6 from which the operation and maintenance costs are proposed to be
7 funded;

8 (p) Such other information bearing upon capital projects as the
9 governor deems to be useful;

10 (q) Standard terms, including a standard and uniform definition of
11 maintenance for all capital projects;

12 (r) Such other information as the legislature may direct by law or
13 concurrent resolution.

14 For purposes of this subsection (3), the term "capital project"
15 shall be defined subsequent to the analysis, findings, and
16 recommendations of a joint committee comprised of representatives from
17 the house capital appropriations committee, senate ways and means
18 committee, legislative transportation committee, legislative evaluation
19 and accountability program committee, and office of financial
20 management.

21 (4) No change affecting the comparability of agency or program
22 information relating to expenditures, revenues, workload, performance
23 and personnel shall be made in the format of any budget document or
24 report presented to the legislature under this section or RCW
25 43.88.160(1) relative to the format of the budget document or report
26 which was presented to the previous regular session of the legislature
27 during an odd-numbered year without prior legislative concurrence.
28 Prior legislative concurrence shall consist of (a) a favorable majority
29 vote on the proposal by the standing committees on ways and means of
30 both houses if the legislature is in session or (b) a favorable
31 majority vote on the proposal by members of the legislative evaluation

1 and accountability program committee if the legislature is not in
2 session."

3 **EHB 1271** - S COMM AMD

4 By Committee on Law & Justice

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6 On page 1, line 1 of the title, after "lobbyists;" strike the
7 remainder of the title and insert "amending RCW 42.17.160 and
8 42.17.190; and reenacting and amending RCW 43.88.030."

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