

1 5684-S AAS 3/14/95

2 **SSB 5684** - S AMD - (S2611.3) 215
3 By Senators Drew and Smith

4 ADOPTED 3/14/95

5 On page 17, after line 39, insert the following:

6 "Sec. 5. RCW 42.17.132 and 1993 c 2 s 25 are each amended to read
7 as follows:

8 During the twelve-month period preceding the (~~expiration of a~~
9 ~~state legislator's term in~~) last day for certification of the election
10 results for a state legislator's election to office, no incumbent to
11 that office may mail to a constituent at public expense a letter,
12 newsletter, brochure, or other piece of literature that is not in
13 direct response to that constituent's request for a response or for
14 information. However, one mailing mailed within thirty days after the
15 start of a regular legislative session and one mailing mailed within
16 sixty days after the end of a regular legislative session of identical
17 newsletters to constituents are permitted. A violation of this section
18 constitutes use of the facilities of a public office for the purpose of
19 assisting a campaign under RCW (~~(42.17.130)~~) 42.52.180.

20 The house of representatives and senate shall specifically limit
21 expenditures per member for the total cost of mailings, including but
22 not limited to production costs, printing costs, and postage."

23 Renumber remaining sections consecutively and correct internal
24 references.

25 **SSB 5684** - S AMD - (s2611.3) 215
26 By Senators Drew and Smith

27 ADOPTED 3/14/95

28 On page 44, after line 12, insert the following:

29 "Sec. 27. RCW 42.17.160 and 1982 c 147 s 12 are each amended to
30 read as follows:

31 The following persons and activities shall be exempt from
32 registration and reporting under RCW 42.17.150, 42.17.170, and

1 42.17.200:

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

5 (2) Activities by lobbyists or other persons whose participation
6 has been solicited by an agency under RCW 34.05.310(2);

7 (3) News or feature reporting activities and editorial comment by
8 working members of the press, radio, or television and the publication
9 or dissemination thereof by a newspaper, book publisher, regularly
10 published periodical, radio station, or television station;

11 ((+3)) (4) Persons who lobby without compensation or other
12 consideration for acting as a lobbyist: PROVIDED, Such person makes no
13 expenditure for or on behalf of any member of the legislature or
14 elected official or public officer or employee of the state of
15 Washington in connection with such lobbying. The exemption contained
16 in this subsection is intended to permit and encourage citizens of this
17 state to lobby any legislator, public official, or state agency without
18 incurring any registration or reporting obligation provided they do not
19 exceed the limits stated above. Any person exempt under this
20 subsection ((+3)) (4) may at his or her option register and report
21 under this chapter;

22 ((+4)) (5) Persons who restrict their lobbying activities to no
23 more than four days or parts thereof during any three-month period and
24 whose total expenditures during such three-month period for or on
25 behalf of any one or more members of the legislature or state elected
26 officials or public officers or employees of the state of Washington in
27 connection with such lobbying do not exceed twenty-five (~~{dollars}~~)
28 dollars: PROVIDED, That the commission shall promulgate regulations to
29 require disclosure by persons exempt under this subsection or their
30 employers or entities which sponsor or coordinate the lobbying
31 activities of such persons if it determines that such regulations are
32 necessary to prevent frustration of the purposes of this chapter. Any
33 person exempt under this subsection ((+4)) (5) may at his or her
34 option register and report under this chapter;

35 ((+5)) (6) The governor;

36 ((+6)) (7) The lieutenant governor;

37 ((+7)) (8) Except as provided by RCW 42.17.190(1), members of the
38 legislature;

39 ((+8)) (9) Except as provided by RCW 42.17.190(1), persons

1 employed by the legislature for the purpose of aiding in the
2 preparation or enactment of legislation or the performance of
3 legislative duties;

4 ~~((+9))~~ (10) Elected officials, and officers and employees of any
5 agency reporting under RCW 42.17.190(4) as now or hereafter amended.

6 **Sec. 28.** RCW 42.17.170 and 1991 sp.s. c 18 s 2 are each amended to
7 read as follows:

8 (1) Any lobbyist registered under RCW 42.17.150 and any person who
9 lobbies shall file with the commission periodic reports of his or her
10 activities signed by the lobbyist. The reports shall be made in the
11 form and manner prescribed by the commission. They shall be due
12 monthly and shall be filed within fifteen days after the last day of
13 the calendar month covered by the report.

14 (2) Each such monthly periodic report shall contain:

15 (a) The totals of all expenditures for lobbying activities made or
16 incurred by such lobbyist or on behalf of such lobbyist by the
17 lobbyist's employer during the period covered by the report. Such
18 totals for lobbying activities shall be segregated according to
19 financial category, including compensation; food and refreshments;
20 living accommodations; advertising; travel; contributions; and other
21 expenses or services. Each individual expenditure of more than twenty-
22 five dollars for entertainment shall be identified by date, place,
23 amount, and the names of all persons in the group partaking in or of
24 such entertainment including any portion thereof attributable to the
25 lobbyist's participation therein, ~~((without))~~ and shall include amounts
26 actually expended on each person where calculable, or allocating any
27 portion of ((such)) the expenditure to individual participants.
28 ~~((However, if the expenditure for a single hosted reception is more~~
29 ~~than one hundred dollars per person partaking therein, the report shall~~
30 ~~specify the per person amount, which shall be determined by dividing~~
31 ~~the total amount of the expenditure by the total number of persons~~
32 ~~partaking in the reception.))~~

33 Notwithstanding the foregoing, lobbyists are not required to report
34 the following:

35 (i) Unreimbursed personal living and travel expenses not incurred
36 directly for lobbying;

37 (ii) Any expenses incurred for his or her own living
38 accommodations;

1 (iii) Any expenses incurred for his or her own travel to and from
2 hearings of the legislature;

3 (iv) Any expenses incurred for telephone, and any office expenses,
4 including rent and salaries and wages paid for staff and secretarial
5 assistance.

6 (b) In the case of a lobbyist employed by more than one employer,
7 the proportionate amount of such expenditures in each category incurred
8 on behalf of each of his employers.

9 (c) An itemized listing of each such expenditure, whether
10 contributed by the lobbyist personally or delivered or transmitted by
11 the lobbyist, in the nature of a contribution of money or of tangible
12 or intangible personal property to any candidate, elected official, or
13 officer or employee of any agency, or any political committee
14 supporting or opposing any ballot proposition, or for or on behalf of
15 any candidate, elected official, or officer or employee of any agency,
16 or any political committee supporting or opposing any ballot
17 proposition. All contributions made to, or for the benefit of, any
18 candidate, elected official, or officer or employee of any agency, or
19 any political committee supporting or opposing any ballot proposition
20 shall be identified by date, amount, and the name of the candidate,
21 elected official, or officer or employee of any agency, or any
22 political committee supporting or opposing any ballot proposition
23 receiving, or to be benefited by each such contribution.

24 (d) The subject matter of proposed legislation or other legislative
25 activity or rule-making under chapter 34.05 RCW, the state
26 Administrative Procedure Act, and the state agency considering the
27 same, which the lobbyist has been engaged in supporting or opposing
28 during the reporting period, unless exempt under RCW 42.17.160(2).

29 (e) Such other information relevant to lobbying activities as the
30 commission shall by rule prescribe. Information supporting such
31 activities as are required to be reported is subject to audit by the
32 commission.

33 (f) ~~((A listing of each gift, as defined in RCW 42.17.020, made to~~
34 ~~a state elected official or executive state officer or to a member of~~
35 ~~the immediate family of such an official or officer. Such a gift shall~~
36 ~~be separately identified by the date it was given, the approximate~~
37 ~~value of the gift, and the name of the recipient. However, for a~~
38 ~~hosted reception where the average per person amount is reported under~~
39 ~~(a) of this subsection, the approximate value for the gift of partaking~~

1 in the event is such average per person amount. The commission shall
2 adopt forms to be used for reporting the giving of gifts under this
3 subsection (2)(f). The forms shall be designed to permit a lobbyist to
4 report on a separate form for each recipient the reportable gifts given
5 to that recipient during the reporting period or, alternatively, to
6 report on one form all reportable gifts given by the lobbyist during
7 the reporting period)) A listing of each payment for an item specified
8 in RCW 42.52.150(5) in excess of fifty dollars made to a state elected
9 official, state officer, or state employee. Each item shall be
10 identified by recipient, date, and approximate value of the item.

11 (g) The total expenditures made during the reporting period by the
12 lobbyist for lobbying purposes, whether through or on behalf of a
13 lobbyist or otherwise. As used in this subsection, "expenditures"
14 includes amounts paid or incurred during the reporting period for (i)
15 political advertising as defined in RCW 42.17.020; and (ii) public
16 relations, telemarketing, polling, or similar activities if such
17 activities, directly or indirectly, are intended, designed, or
18 calculated to influence legislation or the adoption or rejection of a
19 rule, standard, or rate by an agency under the administrative procedure
20 act. The report shall specify the amount, the person to whom the
21 amount was paid, and a brief description of the activity.

22 (3) If a state elected official or a member of such an official's
23 immediate family is identified by a lobbyist in such a report as having
24 received from the lobbyist ((a gift, as defined in RCW 42.17.020)) an
25 item specified in RCW 42.52.150(5), the lobbyist shall transmit to the
26 official a copy of the completed form used to identify the ((gift))
27 item in the report at the same time the report is filed with the
28 commission.

29 (4) The commission may adopt rules to vary the content of lobbyist
30 reports to address specific circumstances, consistent with this
31 section."

32 Renumber remaining sections consecutively and correct internal
33 references.

34 **SSB 5684** - S AMD - (S2611.3) 215
35 By Senators Drew and Smith

36 ADOPTED 3/14/95

1 On page 1, line 2 of the title, after "42.17.105," insert
2 "42.17.132,"

3 On page 1, line 5 of the title, after "42.17.2415," strike "and
4 42.17.095" and insert "42.17.095, 42.17.160, and 42.17.170"

5 **SSB 5684** - S AMD - (S2365.1) 156
6 By Senator A. Smith

7 ADOPTED 3/14/95

8 On page 25, beginning on line 19, after "(l)" strike all material
9 through "(ii)" on line 23

10 On page 25, line 23, after "occasion" insert ", specifying date,
11 donor, and amount,"

12 **SSB 5684** - S AMD - (S2365.1) 156
13 By Senator A. Smith

14 ADOPTED 3/14/95

15 Beginning on page 42, line 36, strike all of section 25

16 Renumber remaining sections and correct internal references.

17 **SSB 5684** - S AMD - (S2365.1) 156
18 By Senator A. Smith

19 ADOPTED 3/14/95

20 On page 44, line 15, after "s 30;" strike "and"

21 On page 44, line 16, after "s 3" insert "; and
22 (3) RCW 42.17.2415 and 1991 sp.s. c 18 s 3"

23 **SSB 5684** - S AMD (S2610.1) - 166
24 By Senator Smith

25 ADOPTED 3/14/95

1 On page 43, beginning on line 16, strike all of section 26 and
2 insert the following:

3 "Sec. 26. RCW 42.17.095 and 1993 c 2 s 20 are each amended to read
4 as follows:

5 The surplus funds of a candidate, or of a political committee
6 supporting or opposing a candidate, may only be disposed of in any one
7 or more of the following ways:

8 (1) Return the surplus to a contributor in an amount not to exceed
9 that contributor's original contribution;

10 (2) Transfer the surplus to the candidate's personal account as
11 reimbursement for lost earnings incurred as a result of that
12 candidate's election campaign. Such lost earnings shall be verifiable
13 as unpaid salary or, when the candidate is not salaried, as an amount
14 not to exceed income received by the candidate for services rendered
15 during an appropriate, corresponding time period. All lost earnings
16 incurred shall be documented and a record thereof shall be maintained
17 by the candidate or the candidate's political committee. The committee
18 shall include a copy of such record when its expenditure for such
19 reimbursement is reported pursuant to RCW 42.17.090;

20 (3) Transfer the surplus without limit to a political party or to
21 a caucus (~~((of the state legislature))~~) political committee;

22 (4) Donate the surplus to a charitable organization registered in
23 accordance with chapter 19.09 RCW;

24 (5) Transmit the surplus to the state treasurer for deposit in the
25 general fund; or

26 (6) Hold the surplus in the campaign depository or depositories
27 designated in accordance with RCW 42.17.050 for possible use in a
28 future election campaign for the same office last sought by the
29 candidate and report any such disposition in accordance with RCW
30 42.17.090: PROVIDED, That if the candidate subsequently announces or
31 publicly files for office, information as appropriate is reported to
32 the commission in accordance with RCW 42.17.040 through 42.17.090. If
33 a subsequent office is not sought the surplus held shall be disposed of
34 in accordance with the requirements of this section.

35 (7) Hold the surplus campaign funds in a separate account for
36 nonreimbursed public office-related expenses or as provided in this
37 section, and report any such disposition in accordance with RCW
38 42.17.090. The separate account required under this subsection shall

1 not be used for deposits of campaign funds that are not surplus.
2 (8) No candidate or authorized committee may transfer funds to any
3 other candidate or other political committee."

4 **SSB 5684** - S AMD - (S2365.1) 156
5 By Senator A. Smith

6 ADOPTED 3/14/95

7 On page 1, line 5 of the title, strike "42.17.2415,"

8 On page 1, line 7 of the title, strike "and 42.17.630" and insert
9 ", 42.17.630, and 42.17.2415"

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