

1 5684-S AMS DREW S2611.2

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3 By Senators Drew and Smith

4  
5 On page 3, line 24, after "(14)" insert "Contract lobbyist" is a  
6 person, other than a regular employee of a lobbyist employer, who  
7 independently contracts for economic consideration for the purpose of  
8 lobbying.  
9 (15)"

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13 On page 5, line 22, after "~~((+11))~~" strike "(15)" and insert  
14 "(16)"

15 On page 5, line 25, after "~~((+12))~~" strike "(16)" and insert  
16 "(17)"

17 On page 5, line 32, after "~~((+13))~~" strike "(17)" and insert  
18 "(18)"

19 On page 5, line 35, after "~~((+14))~~" strike "(18)" and insert  
20 "(19)"

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24 On page 6, at the beginning of line 3, strike "(19)" and insert the  
25 following:  
26 "(20) Employee lobbyist" is a regular employee of a lobbyist  
27 employer who has lobbying as all or part of his or her regular duties  
28 for his or her lobbyist employer.  
29 (21)"

30 On page 6, line 17, after "~~((+15))~~" strike "(20)" and insert "(22)"

1 On page 6, line 19, after "~~((+16+))~~" strike "(21)" and insert  
2 "(23)"

3 On page 6, at the beginning of line 22, strike "(22)" and insert  
4 "(24)"

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8 On page 7, line 23, after "~~((+17+))~~" strike "(23)" and insert  
9 "(25)"

10 On page 7, at the beginning of line 32, strike "(24)" and insert  
11 "(26)"

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15 On page 8, at the beginning of line 16, strike "(25)" and insert  
16 "(27)"

17 On page 8, line 28, after "~~((+18+))~~" strike "(26)" and insert  
18 "(28)"

19 On page 8, line 34, after "~~((+19+))~~" strike "(27)" and insert  
20 "(29)"

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24 On page 9, line 3, after "~~((+20+))~~" strike "(28)" and insert "(30)"

25 On page 9, line 4, after "behalf" insert "and includes employee  
26 lobbyists and contract lobbyists"

27 On page 9, beginning on line 5, after "~~((+21+))~~" strike all

1 material through "lobbyist" on line 7, and insert "(31) "Lobbyist's  
2 employer" means the person or persons by whom a lobbyist is employed  
3 (~~and all persons by whom he is compensated for acting~~) or authorized  
4 to act as a lobbyist"

5 On page 9, line 8, after "~~(22)~~" strike "(30)" and insert "(32)"

6 On page 9, line 14, after "~~(23)~~" strike "(31)" and insert  
7 "(33)"

8 On page 9, line 19, after "~~(24)~~" strike "(32)" and insert  
9 "(34)"

10 On page 9, line 25, after "~~(25)~~" strike "(33)" and insert  
11 "(35)"

12 On page 9, line 30, after "~~(26)~~" strike "(34)" and insert  
13 "(36)"

14 On page 9, at the beginning of line 34, strike "(35)" and insert  
15 "(37)"

16 On page 9, line 37, after "~~(27)~~" strike "(36)" and insert  
17 "(38)"

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21 On page 10, line 3, after "~~(28)~~" strike "(37)" and insert  
22 "(39)"

23 On page 10, at the beginning of line 6, strike "(38)" and insert  
24 "(40)"

25 On page 10, at the beginning of line 9, strike "(39)" and insert  
26 "(41)"

27 On page 10, at the beginning of line 13, strike "(40)" and insert

1 "(42)"

2 On page 10, at the beginning of line 14, strike "(41)" and insert  
3 "(43)"

4 On page 10, line 24, after "~~((29))~~" strike "(42)" and insert  
5 "(44)"

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

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

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

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

27 Renumber remaining sections consecutively and correct internal  
28 references.

3

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

5 "NEW SECTION. **Sec. 27.** A new section is added to chapter 42.17  
6 RCW to read as follows:

7 (1) Each employer of a lobbyist registered under this chapter shall  
8 file a semiannual report. Reports shall be filed as specified in  
9 subsection (2) of this section.

10 (2) Employer reports shall include the following:

11 (a) The employer's name, business address, and telephone number;

12 (b) The name of lobbyists registered on behalf of the employer;

13 (c) The name and address of each political committee associated,  
14 affiliated, or sponsored by the employer and total contributions made  
15 by the committee during the reporting period;

16 (d) The name of each legislator, state elected official, state  
17 officer or employee, successful candidate for state office, and any  
18 member of the immediate family of those persons to whom the employer  
19 has paid any compensation in the amount of five hundred dollars or more  
20 during the reporting period for personal employment or professional  
21 services, including professional services rendered by a corporation,  
22 partnership, joint venture, association, union, or other entity in  
23 which the person holds any office, directorship, or any general  
24 partnership interest, or an ownership interest of ten percent or more,  
25 the value of the compensation in accordance with the reporting  
26 provisions set out in RCW 42.17.241(2), and the consideration given or  
27 performed in exchange for the compensation;

28 (e) The name of each legislator, state elected official, state  
29 officer or employee, successful candidate for state office, and any  
30 member of the immediate family of those persons to whom the lobbyist  
31 employer has made expenditures, directly or indirectly, through a  
32 lobbyist or otherwise the amount of the expenditures and the purpose  
33 for the expenditures. For purposes of this subsection, "expenditure"  
34 shall not include any expenditure made by the employer in the ordinary  
35 course of business if the expenditure is not made for the purpose of  
36 influencing, honoring, or benefiting the recipient of the expenditure  
37 or the member of his or her family as an official or candidate for a  
38 state office;

1 (f)(i) Except as provided in (f)(ii) of this subsection (2), an  
2 employer of a lobbyist registered under this chapter shall file a  
3 special report with the commission if the employer makes a contribution  
4 or contributions aggregating more than one hundred dollars in a  
5 calendar month to any one of the following: A candidate, elected  
6 official, officer or employee of an agency, or political committee.  
7 The report shall identify the date and amount of each such contribution  
8 and the name of the candidate, elected official, agency officer or  
9 employee, or political committee receiving the contribution or to be  
10 benefited by the contribution. The report shall be filed on a form  
11 prescribed by the commission and shall be filed within fifteen days  
12 after the last day of the calendar month during which the contribution  
13 was made;

14 (ii) The provisions of (f)(i) of this subsection (2) do not apply  
15 to a contribution that is made through a registered lobbyist and  
16 reportable under RCW 42.17.170;

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

28 (h) Total amount or value of contributions made during the  
29 reporting period by the employer to any candidate for state or local  
30 office, any political committee whose purpose is to support or oppose  
31 the election of one or more candidates for state or local office, a  
32 political committee established by a caucus of the state legislature,  
33 a political party, or any political committee formed for the purpose of  
34 supporting or opposing a state or local ballot proposition or any grass  
35 roots lobby;

36 (i) Total amounts of compensation for lobbying during the reporting  
37 period paid or owed to lobbyists employed, hired, contracted, retained,  
38 or assigned by the employer;

39 (j) Total amount for any "special lobbying activities" as

1 designated by section 28 of this act;

2 (k) Total amount of reimbursement for expenses incurred in  
3 connection with lobbying during the reporting period paid or owed to  
4 lobbyists employed, hired, contracted, retained, or assigned by the  
5 employer;

6 (l) Total amount for entertainment in connection with lobbying  
7 during the reporting period paid or owed to lobbyists employed, hired,  
8 contracted, retained, or assigned by the employer;

9 (m) Total amount of expenditures by the employer or value of gifts  
10 during the reporting period to state legislators, state legislative  
11 staff, state elected officials, state officers and employees, or  
12 members of their immediate families;

13 (n) The name and amount paid each employee or other person to or  
14 for whom fees, salary, or wages of five hundred dollars or more was  
15 spent for lobbying or professional assistance for lobbying. This  
16 provision shall not apply to persons to the extent that their lobbying  
17 or assistance is the result of an appointment or written request of the  
18 legislature or agency to participate in a study or provide expertise;

19 (o) Such other information as the commission prescribes by rule in  
20 keeping with the policies and purposes of this chapter.

21 (3) The compensation and expenditures to be reported under this  
22 section are those whose principal purpose is for lobbying, and those  
23 that would not have been made but for lobbying. The amounts or values  
24 required to be reported shall include cash, the fair market value of  
25 goods, services, or tangible or intangible property.

26 NEW SECTION. Sec. 28. A new section is added to chapter 42.17 RCW  
27 to read as follows:

28 (1) A person who spends twenty-five hundred dollars or more to  
29 sponsor a single event that is a special lobbying activity other than  
30 that covered by RCW 42.17.200 shall report the information required in  
31 this section.

32 (2) For purposes of this section: (a) "Special lobbying  
33 activities" includes but is not limited to receptions, rallies,  
34 demonstrations, transportation of members or supporters to facilitate  
35 individual or group lobbying, dinners, conventions, mass gatherings,  
36 parades, and mailings; and (b) "sponsor" means the person or entity who  
37 pays for, organizes, coordinates, or directs a lobbying activity.

38 (3) Within two weeks after the lobbying activity, the sponsor shall

1 file with the commission a report including the following:

2 (a) The name and address of the sponsor;

3 (b) The name and address of the principal officers of the sponsor;

4 (c) A description of the activity and the place and date on which  
5 it was conducted;

6 (d) The name, address, and amount contributed by each person who  
7 contributed money, goods, or services with a value of one hundred  
8 dollars or more;

9 (e) The total of all expenditures made to sponsor or support the  
10 activity. Expenditures shall be listed in the following categories:

11 (i) Salaries or compensation of persons paid to plan, coordinate,  
12 operate, or participate in the event;

13 (ii) Advertising and printing;

14 (iii) Transportation;

15 (iv) Food, beverages, and catering;

16 (v) Lodging;

17 (vi) Rent of buildings or equipment; and

18 (vii) Other expenditures; and

19 (f) Such other relevant information as the commission may require.

20 **Sec. 29.** RCW 42.17.160 and 1982 c 147 s 12 are each amended to  
21 read as follows:

22 The following persons and activities shall be exempt from  
23 registration and reporting under RCW 42.17.150, 42.17.170, and  
24 42.17.200:

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

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

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

34 (~~(3)~~) (4) Persons who lobby without compensation or other  
35 consideration for acting as a lobbyist: PROVIDED, Such person makes no  
36 expenditure for or on behalf of any member of the legislature or  
37 elected official or public officer or employee of the state of  
38 Washington in connection with such lobbying. The exemption contained



1 in this subsection is intended to permit and encourage citizens of this  
2 state to lobby any legislator, public official, or state agency without  
3 incurring any registration or reporting obligation provided they do not  
4 exceed the limits stated above. Any person exempt under this  
5 subsection ((+3)) (4) may at his or her option register and report  
6 under this chapter;

7 ((+4)) (5) Persons who restrict their lobbying activities to no  
8 more than four days or parts thereof during any three-month period and  
9 whose total expenditures during such three-month period for or on  
10 behalf of any one or more members of the legislature or state elected  
11 officials or public officers or employees of the state of Washington in  
12 connection with such lobbying do not exceed twenty-five (~~{dollars}~~)  
13 dollars: PROVIDED, That the commission shall promulgate regulations to  
14 require disclosure by persons exempt under this subsection or their  
15 employers or entities which sponsor or coordinate the lobbying  
16 activities of such persons if it determines that such regulations are  
17 necessary to prevent frustration of the purposes of this chapter. Any  
18 person exempt under this subsection ((+4)) (5) may at his or her  
19 option register and report under this chapter;

20 ((+5)) (6) The governor;

21 ((+6)) (7) The lieutenant governor;

22 ((+7)) (8) Except as provided by RCW 42.17.190(1), members of the  
23 legislature;

24 ((+8)) (9) Except as provided by RCW 42.17.190(1), persons  
25 employed by the legislature for the purpose of aiding in the  
26 preparation or enactment of legislation or the performance of  
27 legislative duties;

28 ((+9)) (10) Elected officials, and officers and employees of any  
29 agency reporting under RCW 42.17.190(4) as now or hereafter amended.

30 **Sec. 30.** RCW 42.17.170 and 1991 sp.s. c 18 s 2 are each amended to  
31 read as follows:

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

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

1 (a) The totals of all expenditures for lobbying activities made or  
2 incurred by such lobbyist or on behalf of such lobbyist by the  
3 lobbyist's employer during the period covered by the report. Such  
4 totals for lobbying activities shall be segregated according to  
5 financial category, including compensation; food and refreshments;  
6 living accommodations; advertising; travel; contributions; and other  
7 expenses or services. Each individual expenditure of more than twenty-  
8 five dollars for entertainment shall be identified by date, place,  
9 amount, and the names of all persons in the group partaking in or of  
10 such entertainment including any portion thereof attributable to the  
11 lobbyist's participation therein, ~~((without))~~ and shall include amounts  
12 actually expended on each person where calculable, or allocating any  
13 portion of ((such)) the expenditure to individual participants.  
14 ~~((However, if the expenditure for a single hosted reception is more~~  
15 ~~than one hundred dollars per person partaking therein, the report shall~~  
16 ~~specify the per person amount, which shall be determined by dividing~~  
17 ~~the total amount of the expenditure by the total number of persons~~  
18 ~~partaking in the reception.))~~

19 Notwithstanding the foregoing, lobbyists are not required to report  
20 the following:

21 (i) Unreimbursed personal living and travel expenses not incurred  
22 directly for lobbying;

23 (ii) Any expenses incurred for his or her own living  
24 accommodations;

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

27 (iv) Any expenses incurred for telephone, and any office expenses,  
28 including rent and salaries and wages paid for staff and secretarial  
29 assistance.

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

33 (c) An itemized listing of each such expenditure, whether  
34 contributed by the lobbyist personally or delivered or transmitted by  
35 the lobbyist, in the nature of a contribution of money or of tangible  
36 or intangible personal property to any candidate, elected official, or  
37 officer or employee of any agency, or any political committee  
38 supporting or opposing any ballot proposition, or for or on behalf of  
39 any candidate, elected official, or officer or employee of any agency,

1 or any political committee supporting or opposing any ballot  
2 proposition. All contributions made to, or for the benefit of, any  
3 candidate, elected official, or officer or employee of any agency, or  
4 any political committee supporting or opposing any ballot proposition  
5 shall be identified by date, amount, and the name of the candidate,  
6 elected official, or officer or employee of any agency, or any  
7 political committee supporting or opposing any ballot proposition  
8 receiving, or to be benefited by each such contribution.

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

14 (e) Such other information relevant to lobbying activities as the  
15 commission shall by rule prescribe. Information supporting such  
16 activities as are required to be reported is subject to audit by the  
17 commission.

18 (f) ~~((A listing of each gift, as defined in RCW 42.17.020, made to  
19 a state elected official or executive state officer or to a member of  
20 the immediate family of such an official or officer. Such a gift shall  
21 be separately identified by the date it was given, the approximate  
22 value of the gift, and the name of the recipient. However, for a  
23 hosted reception where the average per person amount is reported under  
24 (a) of this subsection, the approximate value for the gift of partaking  
25 in the event is such average per person amount. The commission shall  
26 adopt forms to be used for reporting the giving of gifts under this  
27 subsection (2)(f). The forms shall be designed to permit a lobbyist to  
28 report on a separate form for each recipient the reportable gifts given  
29 to that recipient during the reporting period or, alternatively, to  
30 report on one form all reportable gifts given by the lobbyist during  
31 the reporting period)) A listing of each payment for an item specified  
32 in RCW 42.52.150(5) in excess of fifty dollars made to a state elected  
33 official, state officer, or state employee. Each item shall be  
34 identified by recipient, date, and approximate value of the item.~~

35 (g) The total expenditures made during the reporting period by the  
36 lobbyist for lobbying purposes, whether through or on behalf of a  
37 lobbyist or otherwise. As used in this subsection, "expenditures"  
38 includes amounts paid or incurred during the reporting period for (i)  
39 political advertising as defined in RCW 42.17.020; and (ii) public

1 relations, telemarketing, polling, or similar activities if such  
2 activities, directly or indirectly, are intended, designed, or  
3 calculated to influence legislation or the adoption or rejection of a  
4 rule, standard, or rate by an agency under the administrative procedure  
5 act. The report shall specify the amount, the person to whom the  
6 amount was paid, and a brief description of the activity.

7 (3) If a state elected official or a member of such an official's  
8 immediate family is identified by a lobbyist in such a report as having  
9 received from the lobbyist (~~(a gift, as defined in RCW 42.17.020)~~) an  
10 item specified in RCW 42.52.150(5), the lobbyist shall transmit to the  
11 official a copy of the completed form used to identify the (~~(gift)~~)  
12 item in the report at the same time the report is filed with the  
13 commission.

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

17 Renumber remaining sections consecutively and correct internal  
18 references.

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20 By Senators Drew and Smith

21  
22 On page 1, line 2 of the title, after "42.17.105," insert  
23 "42.17.132,"

24 On page 1, line 5 of the title, after "42.17.2415," strike "and  
25 42.17.095" and insert "42.17.095, 42.17.160, and 42.17.170"

26 On page 1, line 6 of the title, after "adding" strike "a new  
27 section" and insert "new sections"

--- END ---