
SUBSTITUTE SENATE BILL 6596

State of Washington

56th Legislature

2000 Regular Session

By Senate Committee on State & Local Government (originally sponsored by Senators Costa, Patterson, Oke and Kohl-Welles)

Read first time 02/04/2000.

1 AN ACT Relating to legislative hearings on initiatives and
2 referendums; amending RCW 42.17.130 and 42.52.180; and adding a new
3 section to chapter 29.79 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 29.79 RCW
6 to read as follows:

7 After certification of sufficiency by the secretary of state and no
8 less than thirty days before the initiatives and referendum measures
9 are submitted to a vote of the people, the legislature shall hold
10 hearings on each initiative and referendum.

11 The standing committees of the senate and house of representatives
12 to which the matter, if it had been made the subject of a bill
13 introduced in the legislature and by the same process used by the
14 legislature to refer bills to standing committees, would have been
15 referred, shall hold the hearings.

16 Nothing in this section may be held to diminish the constitutional
17 rights of any person or to limit or repeal any other requirements
18 imposed by statute or otherwise recognized by law. In no event may any

1 initiative or referendum measure be subject to any claim of invalidity
2 made under this section.

3 **Sec. 2.** RCW 42.17.130 and 1979 ex.s. c 265 s 2 are each amended to
4 read as follows:

5 No elective official nor any employee of his office nor any person
6 appointed to or employed by any public office or agency may use or
7 authorize the use of any of the facilities of a public office or
8 agency, directly or indirectly, for the purpose of assisting a campaign
9 for election of any person to any office or for the promotion of or
10 opposition to any ballot proposition. Facilities of public office or
11 agency include, but are not limited to, use of stationery, postage,
12 machines, and equipment, use of employees of the office or agency
13 during working hours, vehicles, office space, publications of the
14 office or agency, and clientele lists of persons served by the office
15 or agency: PROVIDED, That the foregoing provisions of this section
16 shall not apply to the following activities:

17 (1) Action taken at an open public meeting by members of an elected
18 legislative body to express a collective decision, or to actually vote
19 upon a motion, proposal, resolution, order, or ordinance, or to support
20 or oppose a ballot proposition so long as (a) any required notice of
21 the meeting includes the title and number of the ballot proposition,
22 and (b) members of the legislative body or members of the public are
23 afforded an approximately equal opportunity for the expression of an
24 opposing view;

25 (2) A statement by an elected official in support of or in
26 opposition to any ballot proposition at an open press conference or in
27 response to a specific inquiry;

28 (3) Activities which are part of the normal and regular conduct of
29 the office or agency;

30 (4) Activities of the legislature in compliance with section 1 of
31 this act.

32 **Sec. 3.** RCW 42.52.180 and 1995 c 397 s 30 are each amended to read
33 as follows:

34 (1) No state officer or state employee may use or authorize the use
35 of facilities of an agency, directly or indirectly, for the purpose of
36 assisting a campaign for election of a person to an office or for the
37 promotion of or opposition to a ballot proposition. Knowing

1 acquiescence by a person with authority to direct, control, or
2 influence the actions of the state officer or state employee using
3 public resources in violation of this section constitutes a violation
4 of this section. Facilities of an agency include, but are not limited
5 to, use of stationery, postage, machines, and equipment, use of state
6 employees of the agency during working hours, vehicles, office space,
7 publications of the agency, and clientele lists of persons served by
8 the agency.

9 (2) This section shall not apply to the following activities:

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

18 (b) A statement by an elected official in support of or in
19 opposition to any ballot proposition at an open press conference or in
20 response to a specific inquiry. For the purposes of this subsection,
21 it is not a violation of this section for an elected official to
22 respond to an inquiry regarding a ballot proposition, to make
23 incidental remarks concerning a ballot proposition in an official
24 communication, or otherwise comment on a ballot proposition without an
25 actual, measurable expenditure of public funds. The ethics boards
26 shall adopt by rule a definition of measurable expenditure;

27 (c) Activities that are part of the normal and regular conduct of
28 the office or agency; ~~((and))~~

29 (d) De minimis use of public facilities by state-wide elected
30 officials and legislators incidental to the preparation or delivery of
31 permissible communications, including written and verbal communications
32 initiated by them of their views on ballot propositions that
33 foreseeably may affect a matter that falls within their constitutional
34 or statutory responsibilities; and

35 (e) Activities of the legislature in compliance with section 1 of
36 this act.

1 (3) As to state officers and employees, this section operates to
2 the exclusion of RCW 42.17.130.

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