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**SUBSTITUTE SENATE BILL 6225**

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**State of Washington**

**53rd Legislature**

**1994 Regular Session**

**By** Senate Committee on Law & Justice (originally sponsored by Senators Williams, Drew, Quigley and Sheldon)

Read first time 02/04/94.

1 AN ACT Relating to lobbying by public agencies; and amending RCW  
2 42.17.190.

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

4 **Sec. 1.** RCW 42.17.190 and 1986 c 239 s 1 are each amended to read  
5 as follows:

6 (1) Every legislator and every committee of the legislature shall  
7 file with the commission quarterly reports listing the names,  
8 addresses, and salaries of all persons employed by the person or  
9 committee making the filing for the purpose of aiding in the  
10 preparation or enactment of legislation or the performance of  
11 legislative duties of such legislator or committee during the preceding  
12 quarter. The reports shall be made in the form and the manner  
13 prescribed by the commission and shall be filed between the first and  
14 tenth days of each calendar quarter: PROVIDED, That the information  
15 required by this subsection may be supplied, insofar as it is  
16 available, by the chief clerk of the house of representatives or by the  
17 secretary of the senate on a form prepared by the commission.

18 (2) Unless authorized by subsection (3) of this section or  
19 otherwise expressly authorized by law, no public funds may be used

1 directly or indirectly for lobbying: PROVIDED, This does not prevent  
2 officers or employees of an agency from communicating with a member of  
3 the legislature on the request of that member; or communicating to the  
4 legislature, through the proper official channels, requests for  
5 legislative action or appropriations which are deemed necessary for the  
6 efficient conduct of the public business or actually made in the proper  
7 performance of their official duties: PROVIDED FURTHER, That this  
8 subsection does not apply to the legislative branch.

9 (3) Any agency, not otherwise expressly authorized by law, may  
10 expend public funds for lobbying, but any such lobbying activity by a  
11 state agency shall be conducted only by an officer or a state employee  
12 as defined in RCW 42.18.130 of the state agency. A public agency's  
13 lobbying activity shall be limited to (a) providing information or  
14 communicating on matters pertaining to official agency business to any  
15 elected official or officer or employee of any agency or (b) advocating  
16 the official position or interests of the agency to any elected  
17 official or officer or employee of any agency: PROVIDED, That public  
18 funds may not be expended as a direct or indirect gift or campaign  
19 contribution to any elected official or officer or employee of any  
20 agency. For the purposes of this subsection, the term "gift" means a  
21 voluntary transfer of any thing of value without consideration of equal  
22 or greater value, but does not include informational material  
23 transferred for the sole purpose of informing the recipient about  
24 matters pertaining to official agency business: PROVIDED FURTHER, That  
25 this section does not permit the printing of a state publication which  
26 has been otherwise prohibited by law.

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 statements providing the  
12 following information for the quarter just completed:

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

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

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

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

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

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

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

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

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

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

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

12 (C) Preparation or adoption of policy positions.

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

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

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

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

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

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