

# HOUSE BILL REPORT

## HB 2118

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*As Reported By House Committee on:  
State Government*

**Title:** An act relating to the use of public facilities.

**Brief Description:** Restricting the use of public facilities.

**Sponsor(s):** Representatives Jacobsen, Betrozoff, Anderson, Wineberry, Heavey, Belcher, Ludwig, Morris, Basich, Kremen, Winsley, Spanel, Sheldon, Ogden, Wood, Franklin, Brekke, Van Luven and Rasmussen.

**Brief History:**

Reported by House Committee on:  
State Government, March 6, 1991, DPS.

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**HOUSE COMMITTEE ON  
STATE GOVERNMENT**

**Majority Report:** *That Substitute House Bill No. 2118 be substituted therefor, and the substitute bill do pass.*  
Signed by 10 members: Representatives Anderson, Chair; Pruitt, Vice Chair; McLean, Ranking Minority Member; Bowman, Assistant Ranking Minority Member; Chandler; R. Fisher; Grant; Moyer; O'Brien; and Sheldon.

**Staff:** Kenneth Hirst (786-7105).

**Background:**

Agency Lobbying. The state's public disclosure law authorizes an agency to conduct lobbying activities but restricts the lobbying to providing information or communications on matters pertaining to official agency business or advocating the official position or interests of the agency. The disclosure law also requires public entities to file quarterly reports of their lobbying activities and exempts certain activities from this reporting requirement.

Use of Public Facilities for Campaign Purposes. The disclosure law also prohibits an elected or appointed public official or a person employed by a public office or agency from using or authorizing the use of any of the facilities of the office or agency, directly or indirectly, for assisting an election campaign. This prohibition also

applies to any effort to support or oppose an initiative to the Legislature. The term "facilities" is broadly defined to include the use of agency employees during working hours.

Exemptions from the prohibition are provided for: certain actions taken at open public meeting; statements by an elected official regarding a ballot measure campaign at an open press conference or in response to a specific inquiry; and activities which are part of the normal and regular conduct of the office or agency.

***Summary of Substitute Bill:***

Lobbying By Student Government. For the purposes of the provisions of the state's disclosure law which authorize certain lobbying activities by public agencies, a state institution of higher education and the student government of the institution are separate state agencies. That is, the student government is authorized to lobby to the same extent that the disclosure law authorizes agencies to lobby. Such an institution and its student government may enter agreements to file consolidated lobbying reports on behalf of the institution and the student government.

Use of Public Facilities for Campaign Purposes. The attorney general must review the policies of the various state institutions of higher education regarding the implementation of the provisions of the public disclosure law which prohibit the use of public facilities for campaign purposes. The purpose of this review is to ensure that those policies do not unduly restrict the free exchange of views and information essential to the educational process and to student participation in student government. The attorney general must prepare a report on whether, in the attorney general's opinion, the policies of one or more institutions are unduly restrictive by this measure or whether there is a divergence in policies between institutions on what is an appropriate activity of a student government organization under the disclosure law. The report, together with any recommended legislation, must be submitted to the House and Senate prior to 1992 regular session.

***Substitute Bill Compared to Original Bill:*** The original bill exempted student government of institutions of higher education from the provisions of law prohibiting the use of public facilities for election campaigns; the substitute bill requires the attorney general to review the policies of institutions of higher education for implementing these provisions and requires the attorney general to report to the Legislature. The substitute bill also treats a state institution of higher education and its student government

as separate state agencies for lobbying purposes; the original bill contains no comparable provisions.

**Fiscal Note:** Not requested.

**Effective Date of Substitute Bill:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** (1) Current law prohibiting activities by public agencies can be over-interpreted to prohibit any student activities. Student involvement in governmental affairs should not be discouraged. (2) The policies of the University of Washington prohibit the employees of student government from representing any but the policies of the Board of Regents before the Legislature. Student government and the board may have different policies. Students have been informed that the university's policies prohibit student groups from sponsoring candidate debates on campus even when all sides are represented. These interpretations of current law unduly restrict the activities of the student organizations at the university. Other schools do not have these restrictive policies. (3) Student government representatives do not wish to promote election campaigns; they do wish to present the views of student government to the Legislature and provide information on legislation to students.

**Testimony Against:** None.

**Witnesses:** Representative Jacobsen (in favor); Rod Fleck, Washington Student Lobby (in favor); Pirkko Ballweg, Associated Students of the University of Washington (in favor); Larry Ganders, Washington State University; and Graham Johnson, Public Disclosure Commission.