
SENATE BILL 6250

State of Washington 52nd Legislature 1992 Regular Session

By Senators Anderson, Owen, Newhouse and Rasmussen

Read first time 01/22/92. Referred to Committee on Governmental Operations.

1 AN ACT Relating to legislative activities of state agencies and
2 employees; and amending RCW 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

1 required by this subsection may be supplied, insofar as it is
2 available, by the chief clerk of the house of representatives or by the
3 secretary of the senate on a form prepared by the commission.

4 (2) Unless authorized by subsection (3) of this section or
5 otherwise expressly authorized by law, no public funds may be used
6 directly or indirectly for lobbying: PROVIDED, This does not prevent
7 officers or employees of an agency from communicating with a member of
8 the legislature on the request of that member; or communicating to the
9 legislature, through the proper official channels, requests for
10 legislative action or appropriations which are deemed necessary for the
11 efficient conduct of the public business or actually made in the proper
12 performance of their official duties, and which comply with subsection
13 (4) of this section: PROVIDED FURTHER, That this subsection does not
14 apply to the legislative branch.

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

1 (4) No elective official or any employee of his or her office or
2 any person appointed to or employed by any public office or agency may
3 use or authorize the use of any of the facilities of a public office or
4 agency, directly or indirectly, in any effort to support or oppose an
5 initiative to the legislature. "Facilities of a public office or
6 agency" has the same meaning as in RCW 42.17.130. The provisions of
7 this subsection shall not apply to the following activities:

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

16 (b) A statement by an elected official in support of or in
17 opposition to any initiative to the legislature at an open press
18 conference or in response to a specific inquiry;

19 (c) Activities which are part of the normal and regular conduct of
20 the office or agency.

21 (5) Each state agency, county, city, town, municipal corporation,
22 quasi-municipal corporation, or special purpose district which expends
23 public funds for lobbying (~~(shall file with the commission, except as~~
24 ~~exempted by (d) of this subsection, quarterly statements providing the~~
25 ~~following information for the quarter just completed:~~

26 ~~(a) The name of the agency filing the statement;~~

27 ~~(b) The name, title, and job description and salary of each elected~~
28 ~~official, officer, or employee who lobbied, a general description of~~
29 ~~the nature of the lobbying, and the proportionate amount of time spent~~
30 ~~on the lobbying;~~

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

5 ~~(d) For purposes of this subsection the term "lobbying" does not~~
6 ~~include:~~

7 ~~(i) Requests for appropriations by a state agency to the office of~~
8 ~~financial management pursuant to chapter 43.88 RCW nor requests by the~~
9 ~~office of financial management to the legislature for appropriations~~
10 ~~other than its own agency budget requests;~~

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

14 ~~(iii) Official reports including recommendations submitted to the~~
15 ~~legislature on an annual or biennial basis by a state agency as~~
16 ~~required by law;~~

17 ~~(iv) Requests, recommendations, or other communication between or~~
18 ~~within state agencies or between or within local agencies;~~

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

20 ~~(A) Telephone conversations or preparation of written~~
21 ~~correspondence;~~

22 ~~(B) In person lobbying on behalf of an agency of no more than four~~
23 ~~days or parts thereof during any three month period by officers or~~
24 ~~employees of that agency and in person lobbying by any elected official~~
25 ~~of such agency on behalf of such agency or in connection with the~~
26 ~~powers, duties, or compensation of such official: PROVIDED, That the~~
27 ~~total expenditures of nonpublic funds made in connection with such~~
28 ~~lobbying for or on behalf of any one or more members of the legislature~~
29 ~~or state elected officials or public officers or employees of the state~~
30 ~~of Washington do not exceed fifteen dollars for any three month period:~~

1 ~~PROVIDED FURTHER, That the exemption under this subsection is in~~
2 ~~addition to the exemption provided in (A) of this subsection;~~

3 ~~(C) Preparation or adoption of policy positions.~~

4 ~~The statements shall be in the form and the manner prescribed by~~
5 ~~the commission and shall be filed within one month after the end of the~~
6 ~~quarter covered by the report.~~

7 ~~(6) In lieu of reporting under subsection (5) of this section any~~
8 ~~county, city, town, municipal corporation, quasi municipal corporation,~~
9 ~~or special purpose district may determine and so notify the public~~
10 ~~disclosure commission, that elected officials, officers, or employees~~
11 ~~who on behalf of any such local agency engage in lobbying reportable~~
12 ~~under subsection (5) of this section)) shall register and report such~~
13 ~~reportable lobbying in the same manner as a lobbyist who is required to~~
14 ~~register and report under RCW 42.17.150 and 42.17.170. Each such local~~
15 ~~agency shall report as a lobbyist employer pursuant to RCW 42.17.180.~~

16 ~~((7))~~ (6) The provisions of this section do not relieve any
17 elected official or officer or employee of an agency from complying
18 with other provisions of this chapter, if such elected official,
19 officer, or employee is not otherwise exempted.

20 ~~((8))~~ (7) The purpose of this section is to require each state
21 agency and certain local agencies to report the identities of those
22 persons who lobby on behalf of the agency for compensation, together
23 with certain separately identifiable and measurable expenditures of an
24 agency's funds for that purpose. This section shall be reasonably
25 construed to accomplish that purpose and not to require any agency to
26 report any of its general overhead cost or any other costs which relate
27 only indirectly or incidentally to lobbying or which are equally
28 attributable to or inseparable from nonlobbying activities of the
29 agency.

1 (8) No employee or agent of any elected officials, or of appointed
2 members of a governmental commission that has been established by law
3 for the purpose of rendering enforceable decisions on matters brought
4 before the commission, may take a position in support of or in
5 opposition to any state legislative proposal or represent that the
6 position is that of the elected official or appointed member described
7 in this subsection unless that person has a written statement of
8 position from the official or appointed member in accordance with the
9 views expressed by the employee or agent.

10 (9) Except for an elected official, no person may, on behalf of any
11 state agency, county, city, town, municipal corporation,
12 quasi-municipal corporation, or special purpose district, lobby for or
13 against any state legislation unless a written position has been
14 rendered as required in subsection (8) of this section, except that
15 those persons may respond to legislative inquiries in accordance with
16 subsection (10) of this section.

17 (10) Any person, other than an elected official, who is
18 representing a state agency, county, city, town, municipal corporation,
19 quasi-municipal corporation, or special purpose district, and who
20 responds to any legislative inquiry on a legislative proposal where no
21 position in support of or in opposition to the proposal has been taken
22 in accordance with subsection (9) of this section, must advise the
23 inquiring legislative party that the governmental body which that
24 person represents has not taken a position regarding the proposal.

25 (11) No person, other than an elected official, who lobbies on
26 behalf of any state agency, county, city, town, municipal corporation,
27 quasi-municipal corporation, or special purpose district, shall receive
28 preferential access to information, legislative chambers, or have any
29 other preferential lobbying privileges not accorded to nongovernmental
30 lobbyists.

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