

2 **SHB 2289 - H AMD 105 WITHDRAWN 2-7-96**

3 By Representatives Morris, Linville and Kessler

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5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 42.17.160 and 1995 c 397 s 32 are each amended to
8 read as follows:

9 The following persons and activities shall be exempt from
10 registration and reporting under RCW 42.17.150, 42.17.170, and
11 42.17.200:

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

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

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

21 (4) Persons who lobby without compensation or other consideration
22 for acting as a lobbyist: PROVIDED, Such person makes no expenditure
23 for or on behalf of any member of the legislature or elected official
24 or public officer or employee of the state of Washington in connection
25 with such lobbying. The exemption contained in this subsection is
26 intended to permit and encourage citizens of this state to lobby any
27 legislator, public official, or state agency without incurring any
28 registration or reporting obligation provided they do not exceed the
29 limits stated above. Any person exempt under this subsection (4) may
30 at his or her option register and report under this chapter;

31 (5) Persons who restrict their lobbying activities to no more than
32 four days or parts thereof during any three-month period and whose
33 lobbying activities are not on behalf of an agency and whose total
34 expenditures during such three-month period for or on behalf of any one
35 or more members of the legislature or state elected officials or public
36 officers or employees of the state of Washington in connection with

1 such lobbying do not exceed twenty-five dollars: PROVIDED, That the
2 commission shall (~~promulgate regulations~~) adopt rules to require
3 disclosure by persons exempt under this subsection or their employers
4 or entities which sponsor or coordinate the lobbying activities of such
5 persons if it determines that (~~such regulations~~) the rules are
6 necessary to prevent frustration of the purposes of this chapter. Any
7 person exempt under this subsection (5) may at his or her option
8 register and report under this chapter;

9 (6) The governor;

10 (7) The lieutenant governor;

11 (8) Except as provided by RCW 42.17.190(1), members of the
12 legislature;

13 (9) Except as provided by RCW 42.17.190(1), persons employed by the
14 legislature for the purpose of aiding in the preparation or enactment
15 of legislation or the performance of legislative duties;

16 (10) Elected officials, and officers and employees of any agency
17 reporting under RCW 42.17.190(4) (~~as now or hereafter amended~~); and

18 (11) Persons who lobby whose expenses are paid out of student
19 services and activities fees budgeted and approved under RCW
20 28B.15.045.

21 **Sec. 2.** RCW 42.17.190 and 1995 c 397 s 7 are each amended to read
22 as follows:

23 (1) The house of representatives and the senate shall report
24 annually: The total budget; the portion of the total attributed to
25 staff; and the number of full-time and part-time staff positions by
26 assignment, with dollar figures as well as number of positions.

27 (2) Unless authorized by subsection (3) of this section or
28 otherwise expressly authorized by law, no public funds may be used
29 directly or indirectly for lobbying: PROVIDED, This does not prevent
30 officers or employees of an agency from communicating with a member of
31 the legislature on the request of that member; or the agency head or
32 one authorized designee from communicating to the legislature, through
33 the proper official channels, requests for legislative action or
34 appropriations which are deemed necessary for the efficient conduct of
35 the public business or actually made in the proper performance of their
36 official duties: PROVIDED FURTHER, That this subsection does not apply
37 to the legislative branch.

1 (3) Any agency, not otherwise expressly authorized by law, may
2 expend public funds for lobbying, but such lobbying activity shall be
3 limited to the agency head or one authorized designee (a) providing
4 information or communicating on matters pertaining to official agency
5 business to any elected official or officer or employee of any agency
6 or (b) advocating the official position or interests of the agency to
7 any elected official or officer or employee of any agency: PROVIDED,
8 That public funds may not be expended as a direct or indirect gift or
9 campaign contribution to any elected official or officer or employee of
10 any agency. For the purposes of this subsection, the term "gift" means
11 a voluntary transfer of any thing of value without consideration of
12 equal or greater value, but does not include informational material
13 transferred for the sole purpose of informing the recipient about
14 matters pertaining to official agency business. This section does not
15 permit the printing of a state publication which has been otherwise
16 prohibited by law.

17 (4) No elective official or any employee of his or her office or
18 any person appointed to or employed by any public office or agency may
19 use or authorize the use of any of the facilities of a public office or
20 agency, directly or indirectly, in any effort to support or oppose an
21 initiative to the legislature. "Facilities of a public office or
22 agency" has the same meaning as in RCW 42.17.130 and 42.52.180. The
23 provisions of this subsection shall not apply to the following
24 activities:

25 (a) Action taken at an open public meeting by members of an elected
26 legislative body to express a collective decision, or to actually vote
27 upon a motion, proposal, resolution, order, or ordinance, or to support
28 or oppose an initiative to the legislature so long as (i) any required
29 notice of the meeting includes the title and number of the initiative
30 to the legislature, and (ii) members of the legislative body or members
31 of the public are afforded an approximately equal opportunity for the
32 expression of an opposing view;

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

36 (c) Activities which are part of the normal and regular conduct of
37 the office or agency;

1 (d) Activities conducted regarding an initiative to the legislature
2 that would be permitted under RCW 42.17.130 and 42.52.180 if conducted
3 regarding other ballot measures.

4 (5) Each state agency, county, city, town, municipal corporation,
5 quasi-municipal corporation, or special purpose district which expends
6 public funds for lobbying shall file with the commission, except as
7 exempted by (d) of this subsection, (~~quarterly~~) monthly statements
8 providing the following information for the (~~quarter~~) month just
9 completed:

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

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

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

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

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

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

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

31 (iv) Requests, recommendations, or other communication between or
32 within state agencies or between or within local agencies;

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

34 (A) Telephone conversations or preparation of written
35 correspondence;

36 (B) (~~In person lobbying on behalf of an agency of no more than
37 four days or parts thereof during any three month period by officers or
38 employees of that agency and in person lobbying by any elected official
39 of such agency on behalf of such agency or in connection with the~~

1 powers, duties, or compensation of such official: PROVIDED, That the
2 total expenditures of nonpublic funds made in connection with such
3 lobbying for or on behalf of any one or more members of the legislature
4 or state elected officials or public officers or employees of the state
5 of Washington do not exceed fifteen dollars for any three-month period:
6 PROVIDED FURTHER, That the exemption under this subsection is in
7 addition to the exemption provided in (A) of this subsection;

8 (C)) Preparation or adoption of policy positions.

9 The statements shall be in the form and the manner prescribed by
10 the commission and shall be filed within one month after the end of the
11 ((quarter)) month covered by the report.

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

21 (7) The provisions of this section do not relieve any elected
22 official or officer or employee of an agency from complying with other
23 provisions of this chapter, if such elected official, officer, or
24 employee is not otherwise exempted.

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

35 The public disclosure commission may adopt rules clarifying and
36 implementing this legislative interpretation and policy.

37 **Sec. 3.** RCW 43.88.030 and 1994 c 247 s 7 and 1994 c 219 s 2 are
38 each reenacted and amended to read as follows:

1 (1) The director of financial management shall provide all agencies
2 with a complete set of instructions for submitting biennial budget
3 requests to the director at least three months before agency budget
4 documents are due into the office of financial management. The
5 director shall provide agencies that are required under RCW 44.40.070
6 to develop comprehensive six-year program and financial plans with a
7 complete set of instructions for submitting these program and financial
8 plans at the same time that instructions for submitting other budget
9 requests are provided. The budget document or documents shall consist
10 of the governor's budget message which shall be explanatory of the
11 budget and shall contain an outline of the proposed financial policies
12 of the state for the ensuing fiscal period, as well as an outline of
13 the proposed six-year financial policies where applicable, and shall
14 describe in connection therewith the important features of the budget.
15 The message shall set forth the reasons for salient changes from the
16 previous fiscal period in expenditure and revenue items and shall
17 explain any major changes in financial policy. Attached to the budget
18 message shall be such supporting schedules, exhibits and other
19 explanatory material in respect to both current operations and capital
20 improvements as the governor shall deem to be useful to the
21 legislature. The budget document or documents shall set forth a
22 proposal for expenditures in the ensuing fiscal period, or six-year
23 period where applicable, based upon the estimated revenues as approved
24 by the economic and revenue forecast council or upon the estimated
25 revenues of the office of financial management for those funds,
26 accounts, and sources for which the office of the economic and revenue
27 forecast council does not prepare an official forecast, including those
28 revenues anticipated to support the six-year programs and financial
29 plans under RCW 44.40.070. In estimating revenues to support financial
30 plans under RCW 44.40.070, the office of financial management shall
31 rely on information and advice from the interagency revenue task force.
32 Revenues shall be estimated for such fiscal period from the source and
33 at the rates existing by law at the time of submission of the budget
34 document, including the supplemental budgets submitted in the even-
35 numbered years of a biennium. However, the estimated revenues for use
36 in the governor's budget document may be adjusted to reflect budgetary
37 revenue transfers and revenue estimates dependent upon budgetary
38 assumptions of enrollments, workloads, and caseloads. All adjustments
39 to the approved estimated revenues must be set forth in the budget

1 document. The governor may additionally submit, as an appendix to each
2 supplemental, biennial, or six-year agency budget or to the budget
3 document or documents, a proposal for expenditures in the ensuing
4 fiscal period from revenue sources derived from proposed changes in
5 existing statutes.

6 Supplemental and biennial documents shall reflect a six-year
7 expenditure plan consistent with estimated revenues from existing
8 sources and at existing rates for those agencies required to submit
9 six-year program and financial plans under RCW 44.40.070. Any
10 additional revenue resulting from proposed changes to existing statutes
11 shall be separately identified within the document as well as related
12 expenditures for the six-year period.

13 The budget document or documents shall also contain:

14 (a) Revenues classified by fund and source for the immediately past
15 fiscal period, those received or anticipated for the current fiscal
16 period, those anticipated for the ensuing biennium, and those
17 anticipated for the ensuing six-year period to support the six-year
18 programs and financial plans required under RCW 44.40.070;

19 (b) The undesignated fund balance or deficit, by fund;

20 (c) Such additional information dealing with expenditures,
21 revenues, workload, performance, and personnel as the legislature may
22 direct by law or concurrent resolution;

23 (d) Such additional information dealing with revenues and
24 expenditures as the governor shall deem pertinent and useful to the
25 legislature;

26 (e) Tabulations showing expenditures classified by fund, function,
27 activity and object;

28 (f) A delineation of each agency's activities, including those
29 activities funded from nonbudgeted, nonappropriated sources, including
30 funds maintained outside the state treasury;

31 (g) Identification of all proposed direct expenditures to implement
32 the Puget Sound water quality plan under chapter 90.70 RCW, shown by
33 agency and in total; (~~and~~)

34 (h) Tabulations showing each postretirement adjustment by
35 retirement system established after fiscal year 1991, to include, but
36 not be limited to, estimated total payments made to the end of the
37 previous biennial period, estimated payments for the present biennium,
38 and estimated payments for the ensuing biennium; and

1 (i) Identification of all FTE's and expenditures for lobbying
2 purposes.

3 (2) The budget document or documents shall include detailed
4 estimates of all anticipated revenues applicable to proposed operating
5 or capital expenditures and shall also include all proposed operating
6 or capital expenditures. The total of beginning undesignated fund
7 balance and estimated revenues less working capital and other reserves
8 shall equal or exceed the total of proposed applicable expenditures.
9 The budget document or documents shall further include:

10 (a) Interest, amortization and redemption charges on the state
11 debt;

12 (b) Payments of all reliefs, judgments and claims;

13 (c) Other statutory expenditures;

14 (d) Expenditures incident to the operation for each agency;

15 (e) Revenues derived from agency operations;

16 (f) Expenditures and revenues shall be given in comparative form
17 showing those incurred or received for the immediately past fiscal
18 period and those anticipated for the current biennium and next ensuing
19 biennium, as well as those required to support the six-year programs
20 and financial plans required under RCW 44.40.070;

21 (g) A showing and explanation of amounts of general fund and other
22 funds obligations for debt service and any transfers of moneys that
23 otherwise would have been available for appropriation;

24 (h) Common school expenditures on a fiscal-year basis;

25 (i) A showing, by agency, of the value and purpose of financing
26 contracts for the lease/purchase or acquisition of personal or real
27 property for the current and ensuing fiscal periods; and

28 (j) A showing and explanation of anticipated amounts of general
29 fund and other funds required to amortize the unfunded actuarial
30 accrued liability of the retirement system specified under chapter
31 41.45 RCW, and the contributions to meet such amortization, stated in
32 total dollars and as a level percentage of total compensation.

33 (3) A separate capital budget document or schedule shall be
34 submitted that will contain the following:

35 (a) A statement setting forth a long-range facilities plan for the
36 state that identifies and includes the highest priority needs within
37 affordable spending levels;

38 (b) A capital program consisting of proposed capital projects for
39 the next biennium and the two biennia succeeding the next biennium

1 consistent with the long-range facilities plan. Inasmuch as is
2 practical, and recognizing emergent needs, the capital program shall
3 reflect the priorities, projects, and spending levels proposed in
4 previously submitted capital budget documents in order to provide a
5 reliable long-range planning tool for the legislature and state
6 agencies;

7 (c) A capital plan consisting of proposed capital spending for at
8 least four biennia succeeding the next biennium;

9 (d) A statement of the reason or purpose for a project;

10 (e) Verification that a project is consistent with the provisions
11 set forth in chapter 36.70A RCW;

12 (f) A statement about the proposed site, size, and estimated life
13 of the project, if applicable;

14 (g) Estimated total project cost;

15 (h) For major projects valued over five million dollars, estimated
16 costs for the following project components: Acquisition, consultant
17 services, construction, equipment, project management, and other costs
18 included as part of the project. Project component costs shall be
19 displayed in a standard format defined by the office of financial
20 management to allow comparisons between projects;

21 (i) Estimated total project cost for each phase of the project as
22 defined by the office of financial management;

23 (j) Estimated ensuing biennium costs;

24 (k) Estimated costs beyond the ensuing biennium;

25 (l) Estimated construction start and completion dates;

26 (m) Source and type of funds proposed;

27 (n) Estimated ongoing operating budget costs or savings resulting
28 from the project, including staffing and maintenance costs;

29 (o) For any capital appropriation requested for a state agency for
30 the acquisition of land or the capital improvement of land in which the
31 primary purpose of the acquisition or improvement is recreation or
32 wildlife habitat conservation, the capital budget document, or an
33 omnibus list of recreation and habitat acquisitions provided with the
34 governor's budget document, shall identify the projected costs of
35 operation and maintenance for at least the two biennia succeeding the
36 next biennium. Omnibus lists of habitat and recreation land
37 acquisitions shall include individual project cost estimates for
38 operation and maintenance as well as a total for all state projects
39 included in the list. The document shall identify the source of funds

1 from which the operation and maintenance costs are proposed to be
2 funded;

3 (p) Such other information bearing upon capital projects as the
4 governor deems to be useful;

5 (q) Standard terms, including a standard and uniform definition of
6 maintenance for all capital projects;

7 (r) Such other information as the legislature may direct by law or
8 concurrent resolution.

9 For purposes of this subsection (3), the term "capital project"
10 shall be defined subsequent to the analysis, findings, and
11 recommendations of a joint committee comprised of representatives from
12 the house capital appropriations committee, senate ways and means
13 committee, legislative transportation committee, legislative evaluation
14 and accountability program committee, and office of financial
15 management.

16 (4) No change affecting the comparability of agency or program
17 information relating to expenditures, revenues, workload, performance
18 and personnel shall be made in the format of any budget document or
19 report presented to the legislature under this section or RCW
20 43.88.160(1) relative to the format of the budget document or report
21 which was presented to the previous regular session of the legislature
22 during an odd-numbered year without prior legislative concurrence.
23 Prior legislative concurrence shall consist of (a) a favorable majority
24 vote on the proposal by the standing committees on ways and means of
25 both houses if the legislature is in session or (b) a favorable
26 majority vote on the proposal by members of the legislative evaluation
27 and accountability program committee if the legislature is not in
28 session."

29 **SHB 2289** - H AMD

30 By Representative Morris

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1 On page 1, line 2 of the title, after "entities;" strike the
2 remainder of the title and insert "amending RCW 42.17.160 and
3 42.17.190; and reenacting and amending RCW 43.88.030."

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