

HOUSE BILL REPORT

SB 5460

As Passed House-Amended:

April 14, 1997

Title: An act relating to the use of public funds.

Brief Description: Limiting the use of public funds for political activities.

Sponsors: Senators McCaslin, Deccio and Zarelli.

Brief History:

Committee Activity:

Government Administration: 4/1/97, 4/4/97 [DPA].

Floor Activity:

Passed House-Amended: 4/14/97, 59-39.

HOUSE COMMITTEE ON GOVERNMENT ADMINISTRATION

Majority Report: Do pass as amended. Signed by 7 members: Representatives D. Schmidt, Chairman; D. Sommers, Vice Chairman; Dunn; Reams; Smith; L. Thomas and Wensman.

Minority Report: Do not pass. Signed by 5 members: Representatives Scott, Ranking Minority Member; Gardner, Assistant Ranking Minority Member; Doumit; Dunshee and Wolfe.

Staff: Steve Lundin (786-7127).

Background: Initiative Measure No. 276 was approved by state voters in 1972. Among other provisions, Initiative Measure No. 276 prohibits the direct or indirect use of public facilities to assist, directly or indirectly, in the campaign for the election of any person to office or for the promotion or opposition to any ballot proposition. However, the use of public facilities may be used in relation to a campaign as follows:

- Members of a governing body may express a collective decision, adopt a motion, or to support or oppose a ballot proposition at a public meeting, if notice is made for the meeting and members of the governing body or public are afforded an approximately equal opportunity for expression of an opposing view.

- An elected official may make a statement supporting or opposing any ballot proposition at an open press conference in response to a specific inquiry.
- A public office or agency may engage in activities relating to an election that are part of its normal and regular duties.

Legislation was enacted in 1939 authorizing counties to designate the Washington State Association of Counties, which had been created years before, to (1) effect the coordination of their administrative programs; (2) prepare reports on county operations; and (3) submit recommendations to the Governor and Legislature on their joint recommendations on changes that increase their efficiency. Counties are authorized to reimburse this association from county current expense funds.

Legislation was enacted in 1959 authorizing various county elected officials to designate the Washington State Association of County Officials as a coordinating agency for the coordination of programs and to submit recommendations to the Governor and Legislature. Counties are authorized to reimburse this association from county current expense funds.

Summary of Bill: An association composed of local governments or local government officials that is financially supported by local governments, may not participate in any election. However, with regard to a ballot measure, such an association may gather and disseminate objective and factual information to members, participate in the determination of a collective position, and participate on a committee appointed to prepare arguments appearing in the voters' pamphlet.

By no later than January 31 of each year through 1999, each of these associations must prepare a full report on its participation in elections during the previous year and submit the report to the House Government Administration Committee and Senate Government Operations Committee. The report must certify that the association did not participate in any election during the previous year and fully disclose any of its permitted activities relating to ballot propositions during the previous year.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This insures that associations of local government follow laws applicable to local governments. A campaign of distortion about this bill exists to confuse legislators. Money has been spent on ballot campaigns.

Testimony Against: Participating in legislative matters in front of the Legislature is the same as participating in legislative matters placed before the voters. The state auditor and attorney general have ruled that the associations are private entities, not public entities. We will defend the interests of local governments if a related issue is placed on the ballot. No public money has been used « only private money that we receive. First amendment free speech rights are being impinged.

Testified: (Con) Stan Finkelstein, Association of Washington Cities; Gary Lowe, Washington Association of Counties; Pat Jones, Washington Public Ports Association; Ken Bertrand, Group Health; and Perry Keithley, Washington Hospital Association. (Pro) Paul Telford, Olympia Citizens for Responsible Government.