

# SENATE BILL REPORT

## SB 5149

---

As Reported By Senate Committee On:  
Law & Justice, February 19, 1997

**Title:** An act relating to mailings by legislators.

**Brief Description:** Revising restrictions on legislators' newsletters.

**Sponsors:** Senators Long, Spanel, Horn and Kohl; by request of Legislative Ethics Board.

**Brief History:**

**Committee Activity:** Law & Justice: 2/17/97, 2/19/97 [DPS].

---

### SENATE COMMITTEE ON LAW & JUSTICE

**Majority Report:** That Substitute Senate Bill No. 5149 be substituted therefor, and the substitute bill do pass.

Signed by Senators Roach, Chair; Fairley, Goings, Kline, Long, McCaslin, Stevens and Zarelli.

**Staff:** Martin Lovinger (786-7443)

**Background:** In 1994, the Legislative Ethics Board was created and given responsibility for enforcing ethics laws and rules as they apply to members and employees of the Legislature. Among other duties, the board is required to issue advisory opinions and investigate complaints. In fulfilling those duties, the board sometimes notes that the law is difficult to interpret and asks or recommends that the statutory language be addressed by the Legislature.

Initiative 134, approved by the voters in 1992 and amended in 1995, established a freeze on mailings to constituents from state legislators for the year prior to the last day for certification of their next election. The law provides certain exceptions to this general rule. The Legislative Ethics Board has proposed language to clarify some sources of difficulty in interpreting this statute.

The first concern is that the last day for certification is ambiguous and might be inadvertently violated. A second concern is that newsletters to constituents are supposed to be identical. A third problem is that the exceptions to the freeze rule include sending a letter in response to a constituent who has contacted the legislator about the subject of the response, but do not include authority for a legislator to send a congratulatory letter to a constituent who has received an important award or honor. The fourth concern is that it is not sufficiently clear that the freeze only applies to a legislator who is a candidate. The fifth issue involves determining when a legislator has exceeded the expenditure limit on mailings. The sixth concern is providing a clear understanding of who is a constituent.

**Summary of Substitute Bill:** The 12-month freeze on mailings begins on December 1 of the year before a general election for the state legislator's election to office and runs through November 30 after the election.

A legislator appointed after the start of the session to fill a vacant seat has 30 days from the date of appointment to send out the first mailing.

Newsletters need not be identical as to the name and address of the constituent.

Legislators may send letters acknowledging the achievement of an award or honor of extraordinary distinction.

The term "legislator" for the purpose of the freeze provisions is defined to be a candidate.

A violation of the expenditure limits for mailings only occurs if the legislator exceeds the total limit per member, and not for exceeding a particular category within that limit.

The term "constituent" for purposes of the mailings statute excludes persons residing outside the legislative district represented by the legislator, except for students, military personnel, and others temporarily employed outside the district who normally reside in the district.

**Substitute Bill Compared to Original Bill:** The substitute bill clarifies the phrase an award or honor of extraordinary distinction.— The substitute also clarifies who is a constituent. An appointed legislator is given at least 30 days from the date of appointment to send out a first mailing.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** None.

**Testimony Against:** None.

**Testified:** No one.