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SENATE BILL 6523

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State of Washington

56th Legislature

2000 Regular Session

By Senator Jacobsen

Read first time . Referred to Committee on .

1 AN ACT Relating to clarifying what constitutes a gift to a state  
2 officer or state employee; amending RCW 42.52.140, 42.17.170, and  
3 42.17.180; and adding a new section to chapter 42.17 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 42.52.140 and 1994 c 154 s 114 are each amended to  
6 read as follows:

7 (1) No state officer or state employee may receive, accept, take,  
8 seek, or solicit, directly or indirectly, any thing of economic value  
9 as a gift, gratuity, or favor from a person if it could be reasonably  
10 expected that the gift, gratuity, or favor would influence the vote,  
11 action, or judgment of the officer or employee, or be considered as  
12 part of a reward for action or inaction.

13 (2)(a) For the purposes of this section, a donation made to a  
14 nonprofit corporation exempt from taxation under section 501(c)(3) of  
15 the federal internal revenue code is not a gift to a state officer or  
16 employee if the purpose of the 501(c)(3) corporation is to benefit a  
17 state officer or employee or a family member as the result of a  
18 catastrophic event or condition either involving that state officer's  
19 or state employee's family or primary place of residence.

1        (b) As used in this subsection (2), "family member" means an  
2 individual's spouse, child, stepchild, grandchild, parent, stepparent,  
3 grandparent, brother, half brother, sister, or half sister.

4        NEW SECTION. Sec. 2. A new section is added to chapter 42.17 RCW  
5 to read as follows:

6        Every 501(c)(3) corporation that receives donations as permitted  
7 under RCW 42.52.140(2) shall, after January 1st and before April 15th  
8 of each year, file with the commission a statement of all donations  
9 with a value greater than fifty dollars from one source for the  
10 preceding calendar year.

11        **Sec. 3.** RCW 42.17.170 and 1995 c 397 s 33 are each amended to read  
12 as follows:

13        (1) Any lobbyist registered under RCW 42.17.150 and any person who  
14 lobbies shall file with the commission periodic reports of his or her  
15 activities signed by the lobbyist. The reports shall be made in the  
16 form and manner prescribed by the commission. They shall be due  
17 monthly and shall be filed within fifteen days after the last day of  
18 the calendar month covered by the report.

19        (2) Each such monthly periodic report shall contain:

20        (a) The totals of all expenditures for lobbying activities made or  
21 incurred by such lobbyist or on behalf of such lobbyist by the  
22 lobbyist's employer during the period covered by the report. Such  
23 totals for lobbying activities shall be segregated according to  
24 financial category, including compensation; food and refreshments;  
25 living accommodations; advertising; travel; contributions; and other  
26 expenses or services. Each individual expenditure of more than twenty-  
27 five dollars for entertainment shall be identified by date, place,  
28 amount, and the names of all persons in the group partaking in or of  
29 such entertainment including any portion thereof attributable to the  
30 lobbyist's participation therein, and shall include amounts actually  
31 expended on each person where calculable, or allocating any portion of  
32 the expenditure to individual participants.

33        Notwithstanding the foregoing, lobbyists are not required to report  
34 the following:

35        (i) Unreimbursed personal living and travel expenses not incurred  
36 directly for lobbying;

1 (ii) Any expenses incurred for his or her own living  
2 accommodations;

3 (iii) Any expenses incurred for his or her own travel to and from  
4 hearings of the legislature;

5 (iv) Any expenses incurred for telephone, and any office expenses,  
6 including rent and salaries and wages paid for staff and secretarial  
7 assistance.

8 (b) In the case of a lobbyist employed by more than one employer,  
9 the proportionate amount of such expenditures in each category incurred  
10 on behalf of each of his employers.

11 (c) An itemized listing of each such expenditure, whether  
12 contributed by the lobbyist personally or delivered or transmitted by  
13 the lobbyist, in the nature of a contribution of money or of tangible  
14 or intangible personal property to any candidate, elected official, or  
15 officer or employee of any agency, or any political committee  
16 supporting or opposing any ballot proposition, or for or on behalf of  
17 any candidate, elected official, or officer or employee of any agency,  
18 or any political committee supporting or opposing any ballot  
19 proposition. All contributions made to, or for the benefit of, any  
20 candidate, elected official, or officer or employee of any agency, or  
21 any political committee supporting or opposing any ballot proposition  
22 shall be identified by date, amount, and the name of the candidate,  
23 elected official, or officer or employee of any agency, or any  
24 political committee supporting or opposing any ballot proposition  
25 receiving, or to be benefited by each such contribution.

26 (d) The subject matter of proposed legislation or other legislative  
27 activity or rule-making under chapter 34.05 RCW, the state  
28 Administrative Procedure Act, and the state agency considering the  
29 same, which the lobbyist has been engaged in supporting or opposing  
30 during the reporting period, unless exempt under RCW 42.17.160(2).

31 (e) Such other information relevant to lobbying activities as the  
32 commission shall by rule prescribe. Information supporting such  
33 activities as are required to be reported is subject to audit by the  
34 commission.

35 (f) A listing of each payment for an item specified in RCW  
36 42.52.150(5) in excess of fifty dollars and each item specified in RCW  
37 42.52.010(9) (d) and (f) made to a state elected official, state  
38 officer, or state employee. Each item shall be identified by  
39 recipient, date, and approximate value of the item.

1 (g) The total expenditures made during the reporting period by the  
2 lobbyist for lobbying purposes, whether through or on behalf of a  
3 lobbyist or otherwise. As used in this subsection, "expenditures"  
4 includes amounts paid or incurred during the reporting period for (i)  
5 political advertising as defined in RCW 42.17.020; and (ii) public  
6 relations, telemarketing, polling, or similar activities if such  
7 activities, directly or indirectly, are intended, designed, or  
8 calculated to influence legislation or the adoption or rejection of a  
9 rule, standard, or rate by an agency under the administrative procedure  
10 act. The report shall specify the amount, the person to whom the  
11 amount was paid, and a brief description of the activity.

12 (h) Any donation to a nonprofit corporation under RCW 42.52.140(2).

13 (3) If a state elected official or a member of such an official's  
14 immediate family is identified by a lobbyist in such a report as having  
15 received from the lobbyist an item specified in RCW 42.52.150(5) or  
16 42.52.010(9) (d) or (f), the lobbyist shall transmit to the official a  
17 copy of the completed form used to identify the item in the report at  
18 the same time the report is filed with the commission.

19 (4) The commission may adopt rules to vary the content of lobbyist  
20 reports to address specific circumstances, consistent with this  
21 section.

22 **Sec. 4.** RCW 42.17.180 and 1993 c 2 s 27 are each amended to read  
23 as follows:

24 (1) Every employer of a lobbyist registered under this chapter  
25 during the preceding calendar year and every person other than an  
26 individual that made contributions aggregating to more than ten  
27 thousand dollars or independent expenditures aggregating to more than  
28 five hundred dollars during the preceding calendar year shall file with  
29 the commission on or before the last day of February of each year a  
30 statement disclosing for the preceding calendar year the following  
31 information:

32 (a) The name of each state elected official and the name of each  
33 candidate for state office who was elected to the office and any member  
34 of the immediate family of those persons to whom the person reporting  
35 has paid any compensation in the amount of five hundred dollars or more  
36 during the preceding calendar year for personal employment or  
37 professional services, including professional services rendered by a  
38 corporation, partnership, joint venture, association, union, or other

1 entity in which the person holds any office, directorship, or any  
2 general partnership interest, or an ownership interest of ten percent  
3 or more, the value of the compensation in accordance with the reporting  
4 provisions set out in RCW 42.17.241(2), and the consideration given or  
5 performed in exchange for the compensation.

6 (b) The name of each state elected official, successful candidate  
7 for state office, or members of his immediate family to whom the person  
8 reporting made expenditures, directly or indirectly, either through a  
9 lobbyist or otherwise, the amount of the expenditures and the purpose  
10 for the expenditures. For the purposes of this subsection, the term  
11 expenditure shall not include any expenditure made by the employer in  
12 the ordinary course of business if the expenditure is not made for the  
13 purpose of influencing, honoring, or benefiting the elected official,  
14 successful candidate, or member of his immediate family, as an elected  
15 official or candidate.

16 (c) The total expenditures made by the person reporting for  
17 lobbying purposes, whether through or on behalf of a registered  
18 lobbyist or otherwise.

19 (d) All contributions made to a political committee supporting or  
20 opposing a candidate for state office, or to a political committee  
21 supporting or opposing a state-wide ballot proposition. Such  
22 contributions shall be identified by the name and the address of the  
23 recipient and the aggregate amount contributed to each such recipient.

24 (e) The name and address of each registered lobbyist employed by  
25 the person reporting and the total expenditures made by such person for  
26 each such lobbyist for lobbying purposes.

27 (f) The names, offices sought, and party affiliations of candidates  
28 for state offices supported or opposed by independent expenditures of  
29 the person reporting and the amount of each such expenditure.

30 (g) The identifying proposition number and a brief description of  
31 any state-wide ballot proposition supported or opposed by expenditures  
32 not reported under (d) of this subsection and the amount of each such  
33 expenditure.

34 (h) Such other information as the commission prescribes by rule.

35 (i) Any donation to a nonprofit corporation under RCW 42.52.140(2).

36 (2)(a) Except as provided in (b) of this subsection, an employer of  
37 a lobbyist registered under this chapter shall file a special report  
38 with the commission if the employer makes a contribution or  
39 contributions aggregating more than one hundred dollars in a calendar

1 month to any one of the following: A candidate, elected official,  
2 officer or employee of an agency, or political committee. The report  
3 shall identify the date and amount of each such contribution and the  
4 name of the candidate, elected official, agency officer or employee, or  
5 political committee receiving the contribution or to be benefited by  
6 the contribution. The report shall be filed on a form prescribed by  
7 the commission and shall be filed within fifteen days after the last  
8 day of the calendar month during which the contribution was made.

9 (b) The provisions of (a) of this subsection do not apply to a  
10 contribution which is made through a registered lobbyist and reportable  
11 under RCW 42.17.170.

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