
SENATE BILL 5833

State of Washington

57th Legislature

2001 Regular Session

By Senators Costa, Thibaudeau, Patterson, Parlette, Deccio, Jacobsen, Kohl-Welles and Oke

Read first time 02/05/2001. Referred to Committee on State & Local Government.

1 AN ACT Relating to legislative hearings on initiatives and
2 referendums; amending RCW 42.17.130 and 42.52.180; and adding a new
3 section to chapter 29.79 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 29.79 RCW
6 to read as follows:

7 After certification of sufficiency by the secretary of state and no
8 less than sixty days before the initiatives and referendum measures are
9 submitted to a vote of the people, the legislature may hold hearings on
10 each initiative and referendum. If a hearing is held, every effort
11 must be made to assure, when possible, a balanced exposition of
12 viewpoints on the initiative or referendum measure.

13 The standing committees of the senate and house of representatives
14 to which the matter, if it had been the subject of a bill introduced in
15 the legislature and by the same process used by the legislature to
16 refer bills to standing committees, would have been referred, may hold
17 the hearings.

18 Nothing in this section may be held to diminish the constitutional
19 rights of any person or to limit or repeal any other requirements

1 imposed by statute or otherwise recognized by law. In no event may any
2 initiative or referendum measure be subject to any claim of invalidity
3 made under this section.

4 **Sec. 2.** RCW 42.17.130 and 1979 ex.s. c 265 s 2 are each amended to
5 read as follows:

6 No elective official nor any employee of his office nor any person
7 appointed to or employed by any public office or agency may use or
8 authorize the use of any of the facilities of a public office or
9 agency, directly or indirectly, for the purpose of assisting a campaign
10 for election of any person to any office or for the promotion of or
11 opposition to any ballot proposition. Facilities of public office or
12 agency include, but are not limited to, use of stationery, postage,
13 machines, and equipment, use of employees of the office or agency
14 during working hours, vehicles, office space, publications of the
15 office or agency, and clientele lists of persons served by the office
16 or agency: PROVIDED, That the foregoing provisions of this section
17 shall not apply to the following activities:

18 (1) Action taken at an open public meeting by members of an elected
19 legislative body to express a collective decision, or to actually vote
20 upon a motion, proposal, resolution, order, or ordinance, or to support
21 or oppose a ballot proposition so long as (a) any required notice of
22 the meeting includes the title and number of the ballot proposition,
23 and (b) members of the legislative body or members of the public are
24 afforded an approximately equal opportunity for the expression of an
25 opposing view;

26 (2) A statement by an elected official in support of or in
27 opposition to any ballot proposition at an open press conference or in
28 response to a specific inquiry;

29 (3) Activities which are part of the normal and regular conduct of
30 the office or agency;

31 (4) Activities of the legislature in compliance with section 1 of
32 this act.

33 **Sec. 3.** RCW 42.52.180 and 1995 c 397 s 30 are each amended to read
34 as follows:

35 (1) No state officer or state employee may use or authorize the use
36 of facilities of an agency, directly or indirectly, for the purpose of
37 assisting a campaign for election of a person to an office or for the

1 promotion of or opposition to a ballot proposition. Knowing
2 acquiescence by a person with authority to direct, control, or
3 influence the actions of the state officer or state employee using
4 public resources in violation of this section constitutes a violation
5 of this section. Facilities of an agency include, but are not limited
6 to, use of stationery, postage, machines, and equipment, use of state
7 employees of the agency during working hours, vehicles, office space,
8 publications of the agency, and clientele lists of persons served by
9 the agency.

10 (2) This section shall not apply to the following activities:

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

19 (b) A statement by an elected official in support of or in
20 opposition to any ballot proposition at an open press conference or in
21 response to a specific inquiry. For the purposes of this subsection,
22 it is not a violation of this section for an elected official to
23 respond to an inquiry regarding a ballot proposition, to make
24 incidental remarks concerning a ballot proposition in an official
25 communication, or otherwise comment on a ballot proposition without an
26 actual, measurable expenditure of public funds. The ethics boards
27 shall adopt by rule a definition of measurable expenditure;

28 (c) Activities that are part of the normal and regular conduct of
29 the office or agency; ~~((and))~~

30 (d) De minimis use of public facilities by statewide elected
31 officials and legislators incidental to the preparation or delivery of
32 permissible communications, including written and verbal communications
33 initiated by them of their views on ballot propositions that
34 foreseeably may affect a matter that falls within their constitutional
35 or statutory responsibilities; and

36 (e) Activities of the legislature in compliance with section 1 of
37 this act.

1 (3) As to state officers and employees, this section operates to
2 the exclusion of RCW 42.17.130.

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