

HOUSE BILL REPORT

HB 1382

As Passed House:

March 7, 2005

Title: An act relating to restrictions on mailings by state legislators.

Brief Description: Changing restrictions on legislators' letter writing during the general election mailing restriction period.

Sponsors: By Representatives Clements, Haigh, Nixon, Chase, Linville, Sump, Anderson and McCoy.

Brief History:

Committee Activity:

State Government Operations & Accountability: 2/4/05, 2/11/05 [DP].

Floor Activity:

Passed House: 3/7/05, 96-0.

Brief Summary of Bill

- Allows, during an election year, a legislator to send an individual letter to a constituent who might be affected by rule making proposed by an agency implementing legislation sponsored by the legislator.

HOUSE COMMITTEE ON STATE GOVERNMENT OPERATIONS & ACCOUNTABILITY

Majority Report: Do pass. Signed by 9 members: Representatives Haigh, Chair; Green, Vice Chair; Nixon, Ranking Minority Member; Clements, Assistant Ranking Minority Member; Hunt, McDermott, Miloscia, Schindler and Sump.

Staff: Jim Morishima (786-7191).

Background:

For the 12-month period preceding a general election in which a legislator is running for office, the legislator may not send to constituents a letter, newsletter, brochure, or other piece of literature. There are several exceptions to the rule:

- the legislator may send two newsletters during the 12-month period;
- the legislator may respond to constituent inquiries;
- the legislator may send a letter to a constituent who holds a government office having jurisdiction over the subject matter of the letter; and

- the legislator may send a letter to a constituent who has received an award or honor of extraordinary distinction of a type that is sufficiently infrequent to be noteworthy to a reasonable person, including the Nobel Prize, Pulitzer Prize, or other awards listed in the statute.

A violation of the statute constitutes use of the facilities of a public office for the purpose of assisting a campaign.

Summary of Bill:

The mailing restrictions do not apply to a letter to an individual constituent who might be affected by rule making proposed by an agency implementing legislation sponsored by the legislator, as long as the subject matter of the letter is the agency action.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: Current law prevents legislators from fulfilling their constitutional mandate to inform constituents of the implementation of legislation the legislators sponsored. Legislators should be allowed to fulfill their constitutional obligations of notification and explanation.

Testimony Against: None.

Persons Testifying: Representative Clements, prime sponsor.

Persons Signed In To Testify But Not Testifying: None.