

FINAL BILL REPORT

SHB 1093

C 166 L 13
Synopsis as Enacted

Brief Description: Regarding state agency lobbying activities.

Sponsors: House Committee on Government Operations & Elections (originally sponsored by Representatives Shea, Overstreet and Taylor).

House Committee on Government Operations & Elections
Senate Committee on Governmental Operations

Background:

Government to Government Lobbying.

Washington campaign disclosure and contribution law defines "lobbying" as the attempt to influence the passage or defeat of any legislation by the Legislature, or to influence the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency. Specifically exempted from this definition of lobbying is an association's or other organization's act of communicating with the members of that association or organization. Agencies are authorized to expend public funds for lobbying activities, but such activity is limited to providing information or communicating on matters pertaining to official agency business, or advocating the official position or interests of the agency. This lobbying activity may be performed by an agency's leaders or employees, or through a contract for lobbying services.

Reporting to the Public Disclosure Commission.

When a state agency, county, city, town, municipal corporation, quasi-municipal corporation, or special purpose district expends public funds for lobbying, it is required to file quarterly statements with the Public Disclosure Commission (PDC). These statements must generally be filed quarterly and must include the agency name, the name and salary of all who lobbied for the agency, the nature of the lobbying, and the proportionate amount of time spent on lobbying. The quarterly statements also must include a listing of expenditures incurred for lobbying. In lieu of such reporting, the elected officials, officer, or employees who lobby on behalf of a local agency may register and report in the same manner as other lobbyists (for example, those who lobby for businesses, groups, associations, or other organizations).

For purposes of the PDC reporting requirement, "lobbying" does not include certain state agency activities, to the extent that they include:

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- certain requests for appropriations made through the state budgeting, accounting, and reporting system;
- reports and recommendations made in response to legislative requests for an agency study, recommendation, or report on a particular subject;
- official reports submitted to the Legislature annually or biennially, as required by law;
- certain communications between or within state or local agencies;
- preparation or adoption of policy positions;
- telephone conversations or preparation of written correspondence;
- in-person lobbying by agency employees or officers, on behalf of the agency, for up to four days during any three-month period; and
- in-person lobbying by agency elected officials, on behalf of the agency or in connection with the official's powers, duties, or compensation.

Penalties for Violating Lobbying and Reporting Laws.

A court is authorized to impose civil remedies and sanctions for violation of the lobbying disclosure requirements and limitations stated above. These include civil penalties, generally of not more than \$10,000 for each violation, and a civil penalty of \$10 per day for each day that a person fails to file a properly completed statement or report. A court may also issue an order to prevent a person from violating these requirements. Finally, the PDC may refer certain intentional violations of the statutes for criminal prosecution.

Summary:

Personal liability, in the form of a civil penalty of \$100 per statement, is imposed on a state agency director who knowingly fails to file quarterly lobbying disclosure statements pertaining to the lobbying activities of the agency. This personal liability is in addition to any other civil remedy or sanction imposed on the agency.

Any state agency official, officer, or employee who is responsible for directing or expending, or who knowingly directs or expends, public funds in violation of agency lobbying restrictions is liable for a civil penalty. This civil penalty must be at least equivalent to the amount of public funds expended in the violation.

State agencies filing reports with the PDC must file all reports electronically.

Votes on Final Passage:

House	97	1	
Senate	40	8	(Senate amended)
House	95	0	(House concurred)

Effective: January 1, 2014