
SENATE BILL 6676

State of Washington 64th Legislature 2016 Regular Session

By Senators Dansel, Hewitt, Ericksen, and Honeyford

Read first time 03/09/16. Referred to Committee on Government Operations & Security.

1 AN ACT Relating to state agencies; and amending RCW 42.17A.635.

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

3 **Sec. 1.** RCW 42.17A.635 and 2010 c 204 s 808 are each amended to
4 read as follows:

5 (1) The house of representatives and the senate shall report
6 annually: The total budget; the portion of the total attributed to
7 staff; and the number of full-time and part-time staff positions by
8 assignment, with dollar figures as well as number of positions.

9 (2) Unless authorized by subsection (3) of this section or
10 otherwise expressly authorized by law, no public funds may be used
11 directly or indirectly for lobbying. However, this does not prevent
12 officers or employees of an agency from communicating with a member
13 of the legislature on the request of that member; or communicating to
14 the legislature, through the ~~((proper official channels))~~ state
15 agency's elected officials, appointed officials, director, or deputy
16 directors, requests for legislative action or appropriations that are
17 deemed necessary for the efficient conduct of the public business or
18 actually made in the proper performance of their official duties.
19 Agency employees may assist with but may not be delegated lobbying
20 activities. This subsection does not apply to the legislative branch.

1 (3)(a) ~~Any ((agency, not otherwise expressly authorized by law,~~
2 ~~may expend public funds for)) agency's elected officials, appointed~~
3 ~~officials, director, or deputy directors may engage in lobbying~~
4 ~~activities~~, but such lobbying activity shall be limited to ~~((+a))~~
5 providing information or communicating on matters pertaining to
6 official agency business to any elected official or officer or
7 employee of any agency ~~((or (b) advocating the official position or~~
8 ~~interests of the agency to any elected official or officer or~~
9 ~~employee of any agency))~~.

10 (b) Public funds may not be expended as a direct or indirect gift
11 or campaign contribution to any elected official or officer or
12 employee of any agency. For the purposes of this subsection, "gift"
13 means a voluntary transfer of any thing of value without
14 consideration of equal or greater value, but does not include
15 informational material transferred for the sole purpose of informing
16 the recipient about matters pertaining to official agency business.
17 This section does not permit the printing of a state publication that
18 has been otherwise prohibited by law.

19 (c) No state agency may enter into a contract for lobbying
20 activities.

21 (d) No state agency may pay dues for membership in any
22 organization, public or private, that engages in lobbying activities.

23 (4) No elective official or any employee of his or her office or
24 any person appointed to or employed by any public office or agency
25 may use or authorize the use of any of the facilities of a public
26 office or agency, directly or indirectly, in any effort to support or
27 oppose an initiative to the legislature. "Facilities of a public
28 office or agency" has the same meaning as in RCW 42.17A.555 and
29 42.52.180. The provisions of this subsection shall not apply to the
30 following activities:

31 (a) Action taken at an open public meeting by members of an
32 elected legislative body to express a collective decision, or to
33 actually vote upon a motion, proposal, resolution, order, or
34 ordinance, or to support or oppose an initiative to the legislature
35 so long as (i) any required notice of the meeting includes the title
36 and number of the initiative to the legislature, and (ii) members of
37 the legislative body or members of the public are afforded an
38 approximately equal opportunity for the expression of an opposing
39 view;

1 (b) A statement by an elected official in support of or in
2 opposition to any initiative to the legislature at an open press
3 conference or in response to a specific inquiry;

4 (c) Activities that are part of the normal and regular conduct of
5 the office or agency;

6 (d) Activities conducted regarding an initiative to the
7 legislature that would be permitted under RCW 42.17A.555 and
8 42.52.180 if conducted regarding other ballot measures.

9 (5) Each state agency, county, city, town, municipal corporation,
10 quasi-municipal corporation, or special purpose district that expends
11 public funds for lobbying shall file with the commission, except as
12 exempted by (d) of this subsection, quarterly statements providing
13 the following information for the quarter just completed:

14 (a) The name of the agency filing the statement;

15 (b) The name, title, and job description and salary of each
16 elected official, officer, or employee who lobbied, a general
17 description of the nature of the lobbying, and the proportionate
18 amount of time spent on the lobbying;

19 (c) A listing of expenditures incurred by the agency for lobbying
20 including but not limited to travel, consultant or other special
21 contractual services, and brochures and other publications, the
22 principal purpose of which is to influence legislation;

23 (d) For purposes of this subsection, "lobbying" does not include:

24 (i) Requests for appropriations by a state agency to the office
25 of financial management pursuant to chapter 43.88 RCW nor requests by
26 the office of financial management to the legislature for
27 appropriations other than its own agency budget requests;

28 (ii) Recommendations or reports to the legislature in response to
29 a legislative request expressly requesting or directing a specific
30 study, recommendation, or report by an agency on a particular
31 subject;

32 (iii) Official reports including recommendations submitted to the
33 legislature on an annual or biennial basis by a state agency as
34 required by law;

35 (iv) Requests, recommendations, or other communication between or
36 within state agencies or between or within local agencies;

37 (v) Any other lobbying to the extent that it includes:

38 (A) Telephone conversations or preparation of written
39 correspondence;

1 (B) In-person lobbying on behalf of an agency of no more than
2 four days or parts thereof during any three-month period by officers
3 or employees of that agency and in-person lobbying by any elected
4 official of such agency on behalf of such agency or in connection
5 with the powers, duties, or compensation of such official. The total
6 expenditures of nonpublic funds made in connection with such lobbying
7 for or on behalf of any one or more members of the legislature or
8 state elected officials or public officers or employees of the state
9 of Washington may not exceed fifteen dollars for any three-month
10 period. The exemption under this subsection (5)(d)(v)(B) is in
11 addition to the exemption provided in (d)(v)(A) of this subsection;

12 (C) Preparation or adoption of policy positions.

13 The statements shall be in the form and the manner prescribed by
14 the commission and shall be filed within one month after the end of
15 the quarter covered by the report.

16 (6) In lieu of reporting under subsection (5) of this section,
17 any county, city, town, municipal corporation, quasi municipal
18 corporation, or special purpose district may determine and so notify
19 the public disclosure commission that elected officials, officers, or
20 employees who, on behalf of any such local agency, engage in lobbying
21 reportable under subsection (5) of this section shall register and
22 report such reportable lobbying in the same manner as a lobbyist who
23 is required to register and report under RCW 42.17A.600 and
24 42.17A.615. Each such local agency shall report as a lobbyist
25 employer pursuant to RCW 42.17A.630.

26 (7) The provisions of this section do not relieve any elected
27 official or officer or employee of an agency from complying with
28 other provisions of this chapter, if such elected official, officer,
29 or employee is not otherwise exempted.

30 (8) The purpose of this section is to require each state agency
31 and certain local agencies to report the identities of those persons
32 who lobby on behalf of the agency for compensation, together with
33 certain separately identifiable and measurable expenditures of an
34 agency's funds for that purpose. This section shall be reasonably
35 construed to accomplish that purpose and not to require any agency to
36 report any of its general overhead cost or any other costs that
37 relate only indirectly or incidentally to lobbying or that are
38 equally attributable to or inseparable from nonlobbying activities of
39 the agency.

1 (9) The public disclosure commission may adopt rules clarifying
2 and implementing this legislative interpretation and policy.

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