

SENATE BILL REPORT

SSB 5861

As Amended by House, April 15, 2019

Title: An act relating to extending respectful workplace code of conduct provisions to all members of the legislative community.

Brief Description: Extending respectful workplace code of conduct provisions to all members of the legislative community.

Sponsors: Senate Committee on State Government, Tribal Relations & Elections (originally sponsored by Senators Dhingra, Rivers, Hunt, Wellman, Hasegawa, Darneille, Saldaña, Cleveland, Conway, Frockt, Keiser, Kuderer, Liias, Palumbo, Randall and Wilson, C.).

Brief History:

Committee Activity: State Government, Tribal Relations & Elections: 2/20/19, 2/21/19 [DPS, DNP, w/oRec].

Floor Activity:

Passed Senate: 3/06/19, 29-18.

Passed House: 4/15/19, 97-0.

Brief Summary of First Substitute Bill

- Directs the Public Disclosure Commission to create a training course for lobbyists on the legislative code of conduct.
- Requires notification of a lobbyist's clients if the lobbyist is suspended for a violation of the legislative code of conduct.

SENATE COMMITTEE ON STATE GOVERNMENT, TRIBAL RELATIONS & ELECTIONS

Majority Report: That Substitute Senate Bill No. 5861 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Hasegawa and Takko.

Minority Report: Do not pass.

Signed by Senators Bailey and Hawkins.

Minority Report: That it be referred without recommendation.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Signed by Senator Zeiger, Ranking Member.

Staff: Samuel Brown (786-7470)

Background: Lobbyist Registration. Any person who attempts to influence the passage or defeat of legislation, rules, standards, rates, or agency enactments under the Administrative Procedures Act is defined as a lobbyist. However, certain lobbyists are exempt from registration and reporting requirements:

- persons whose lobbying is limited to public testimony;
- persons who lobby without compensation and do not contribute to any campaigns in connection with their lobbying; and
- persons who lobby for four or fewer days during any three-month period and spend \$25 or less in connection with their lobbying.

Persons required to register as lobbyists may not:

- lobby prior to registering with the PDC;
- deceive a legislator about facts pertaining to pending legislation;
- introduce a bill or amendment for the purposes of its defeat;
- represent an interest adverse to their employer without notification and consent;
- exercise undue influence, extort, or retaliate against a legislator;
- make compensation contingent upon success in influencing legislation.

Penalties. Courts may impose civil remedies and sanctions for violation of lobbying disclosures and limitations, including civil penalties and issuance of orders to prevent a person from violating these requirements. The PDC may revoke a lobbyist's registration for violations of lobbying regulations and also refer certain intentional violations of the statutes for criminal prosecution.

Legislative Code of Conduct. In 2019, both chambers of the Legislature passed HCR 4401, adopting a code of conduct stating each member of the legislative community is expected to:

- conduct themselves with self-awareness, self-respect, and professionalism;
- treat others with respect, dignity, and civility; and
- not engage in activities which may amount to discrimination, harassment, sexual harassment, or bullying.

Summary of First Substitute Bill: The PDC must develop a training course based on the legislative code of conduct. Lobbyist registration forms must provide a place to attest that the applicant has completed the PDC training course on the legislative code of conduct. If either chamber makes a credible finding that a lobbyist has violated the legislative code of conduct, the PDC must notify the lobbyist's employers of the violation.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: The bill contains several effective dates. Please refer to the bill.

Staff Summary of Public Testimony on Proposed Substitute: *The committee recommended a different version of the bill than what was heard.* PRO: Members of both chambers, staff, and legislative agency staff worked together to come up with a code of conduct and respectful workplace policy that everyone who works for the legislature is subject to. It should be expanded to include lobbyist-on-lobbyist conduct. The complaint process has already been developed and used. It is imperative that everyone understand the code of conduct they are subjected to. The legislative workplace is unique because of the power dynamics at play. When this issue is not addressed, it puts people's safety, health and welfare, sense of self, and ability to make a living at risk. It is worthwhile to have a shared understanding of what workplace rules are in the Legislature and to make sure the code of conduct works for everybody.

OTHER: How we conduct ourselves can impact legislation and our careers. Some members of the lobbying community are concerned about coming forward in opposition to this process. There are serious concerns around what the process for revocation of lobbyist registration looks like. In agencies, there are levels of seriousness or public harm that are considered before a registration is revoked. There needs to be a level of due process that's incorporated clearly and anticipated when it comes to revocation of legislation. More specifics are needed on the content of training and what it means for lobbyists to sign the code of conduct. There are also concerns relating to who properly regulates lobbyist conduct. This is a great effort, but there is still a ways to go.

Persons Testifying: PRO: Senator Manka Dhingra, Prime Sponsor; Rebecca Johnson, citizen; Lindsey Grad, citizen.

OTHER: Christine Brewer, citizen; Carrie Tellefson, citizen; Lonnie Johns-Brown, Office of the Insurance Commissioner.

Persons Signed In To Testify But Not Testifying: No one.

EFFECT OF HOUSE AMENDMENT(S):

- Training must include any policies related to appropriate conduct adopted by either legislative chamber.
- The Chief Clerk of the House of Representatives and the Secretary of the Senate, rather than the PDC, must develop and provide the training course.
- The requirement that lobbyist employers be notified of a lobbyist's violation of the legislative code of conduct is removed.
- Lobbyists must update registration by the effective date of the act to attest completion of the training course or face revocation of registration.
- The PDC must work with the Legislature to verify completion of the training course.
- An effective date is moved back one month.