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**SENATE BILL 5861**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** Senators Dhingra, Rivers, Hunt, Wellman, Hasegawa, Darneille, Saldaña, Cleveland, Conway, Frockt, Keiser, Kuderer, Lias, Palumbo, Randall, and Wilson, C.

Read first time 02/07/19. Referred to Committee on State Government, Tribal Relations & Elections.

1 AN ACT Relating to extending respectful workplace code of conduct  
2 provisions to all members of the legislative community; amending RCW  
3 42.17A.105, 42.17A.600, 42.17A.605, and 42.17A.655; adding new  
4 sections to chapter 42.17A RCW; and providing an effective date.

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

6 **Sec. 1.** RCW 42.17A.105 and 2010 c 204 s 302 are each amended to  
7 read as follows:

8 The commission shall:

9 (1) Develop and provide forms for the reports and statements  
10 required to be made under this chapter;

11 (2) Prepare and publish a manual setting forth recommended  
12 uniform methods of bookkeeping and reporting for use by persons  
13 required to make reports and statements under this chapter;

14 (3) Compile and maintain a current list of all filed reports and  
15 statements;

16 (4) Investigate whether properly completed statements and reports  
17 have been filed within the times required by this chapter;

18 (5) Upon complaint or upon its own motion, investigate and report  
19 apparent violations of this chapter to the appropriate law  
20 enforcement authorities;

1 (6) Conduct a sufficient number of audits and field  
2 investigations to provide a statistically valid finding regarding the  
3 degree of compliance with the provisions of this chapter by all  
4 required filers. Any documents, records, reports, computer files,  
5 papers, or materials provided to the commission for use in conducting  
6 audits and investigations must be returned to the candidate,  
7 campaign, or political committee from which they were received within  
8 one week of the commission's completion of an audit or field  
9 investigation;

10 (7) Prepare and publish an annual report to the governor as to  
11 the effectiveness of this chapter and its enforcement by appropriate  
12 law enforcement authorities;

13 (8) Enforce this chapter according to the powers granted it by  
14 law;

15 (9) Adopt rules governing the arrangement, handling, indexing,  
16 and disclosing of those reports required by this chapter to be filed  
17 with a county auditor or county elections official. The rules shall:

18 (a) Ensure ease of access by the public to the reports; and

19 (b) Include, but not be limited to, requirements for indexing the  
20 reports by the names of candidates or political committees and by the  
21 ballot proposition for or against which a political committee is  
22 receiving contributions or making expenditures;

23 (10) Adopt rules to carry out the policies of chapter 348, Laws  
24 of 2006. The adoption of these rules is not subject to the time  
25 restrictions of RCW 42.17A.110(1);

26 (11) Adopt administrative rules establishing requirements for  
27 filer participation in any system designed and implemented by the  
28 commission for the electronic filing of reports; ~~((and))~~

29 (12) Maintain and make available to the public and political  
30 committees of this state a toll-free telephone number; and

31 (13) Develop and provide a training course for the lobbyist  
32 respectful workplace code of conduct developed under section 6 of  
33 this act.

34 **Sec. 2.** RCW 42.17A.600 and 2010 c 204 s 801 are each amended to  
35 read as follows:

36 (1) Before lobbying, or within thirty days after being employed  
37 as a lobbyist, whichever occurs first, a lobbyist shall register by  
38 filing with the commission a lobbyist registration statement, in such

1 detail as the commission shall prescribe, that includes the following  
2 information:

3 (a) The lobbyist's name, permanent business address, and any  
4 temporary residential and business addresses in Thurston county  
5 during the legislative session;

6 (b) The name, address and occupation or business of the  
7 lobbyist's employer;

8 (c) The duration of the lobbyist's employment;

9 (d) The compensation to be received for lobbying, the amount to  
10 be paid for expenses, and what expenses are to be reimbursed;

11 (e) Whether the lobbyist is employed solely as a lobbyist or  
12 whether the lobbyist is a regular employee performing services for  
13 his or her employer which include but are not limited to the  
14 influencing of legislation;

15 (f) The general subject or subjects to be lobbied;

16 (g) A written authorization from each of the lobbyist's employers  
17 confirming such employment;

18 (h) The name and address of the person who will have custody of  
19 the accounts, bills, receipts, books, papers, and documents required  
20 to be kept under this chapter;

21 (i) If the lobbyist's employer is an entity (including, but not  
22 limited to, business and trade associations) whose members include,  
23 or which as a representative entity undertakes lobbying activities  
24 for, businesses, groups, associations, or organizations, the name and  
25 address of each member of such entity or person represented by such  
26 entity whose fees, dues, payments, or other consideration paid to  
27 such entity during either of the prior two years have exceeded five  
28 hundred dollars or who is obligated to or has agreed to pay fees,  
29 dues, payments, or other consideration exceeding five hundred dollars  
30 to such entity during the current year;

31 (j) An attestation that the lobbyist has read and completed a  
32 training course on the respectful workplace code of conduct developed  
33 under section 6 of this act.

34 (2) Any lobbyist who receives or is to receive compensation from  
35 more than one person for lobbying shall file a separate notice of  
36 representation for each person. However, if two or more persons are  
37 jointly paying or contributing to the payment of the lobbyist, the  
38 lobbyist may file a single statement detailing the name, business  
39 address, and occupation of each person paying or contributing and the  
40 respective amounts to be paid or contributed.

1 (3) Whenever a change, modification, or termination of the  
2 lobbyist's employment occurs, the lobbyist shall file with the  
3 commission an amended registration statement within one week of the  
4 change, modification, or termination.

5 (4) Each registered lobbyist shall file a new registration  
6 statement, revised as appropriate, on the second Monday in January of  
7 each odd-numbered year. Failure to do so terminates the lobbyist's  
8 registration.

9 **Sec. 3.** RCW 42.17A.605 and 2010 c 204 s 802 are each amended to  
10 read as follows:

11 Each lobbyist shall at the time he or she registers submit to the  
12 commission a recent photograph of himself or herself of a size and  
13 format as determined by rule of the commission, together with the  
14 name of the lobbyist's employer, the length of his or her employment  
15 as a lobbyist before the legislature, a brief biographical  
16 description, and any other information he or she may wish to submit  
17 not to exceed fifty words in length. The photograph ~~((and))~~,  
18 information, and attestation that the lobbyist has completed a  
19 training course on the respectful workplace code of conduct developed  
20 under section 6 of this act shall be published by the commission at  
21 least biennially in a booklet form for distribution to legislators  
22 and the public.

23 **Sec. 4.** RCW 42.17A.655 and 2010 c 204 s 812 are each amended to  
24 read as follows:

25 (1) A person required to register as a lobbyist under RCW  
26 42.17A.600 shall substantiate financial reports required to be made  
27 under this chapter with accounts, bills, receipts, books, papers, and  
28 other necessary documents. All such documents must be obtained and  
29 preserved for a period of at least five years from the date of filing  
30 the statement containing such items and shall be made available for  
31 inspection by the commission at any time. If the terms of the  
32 lobbyist's employment contract require that these records be turned  
33 over to his or her employer, responsibility for the preservation and  
34 inspection of these records under this subsection shall be with such  
35 employer.

36 (2) A person required to register as a lobbyist under RCW  
37 42.17A.600 shall not:

1 (a) Engage in any lobbying activity before registering as a  
2 lobbyist;

3 (b) Knowingly deceive or attempt to deceive a legislator  
4 regarding the facts pertaining to any pending or proposed  
5 legislation;

6 (c) Cause or influence the introduction of a bill or amendment to  
7 that bill for the purpose of later being employed to secure its  
8 defeat;

9 (d) Knowingly represent an interest adverse to his or her  
10 employer without full disclosure of the adverse interest to the  
11 employer and obtaining the employer's written consent;

12 (e) Exercise any undue influence, extortion, or unlawful  
13 retaliation upon any legislator due to the legislator's position or  
14 vote on any pending or proposed legislation;

15 (f) Enter into any agreement, arrangement, or understanding in  
16 which any portion of his or her compensation is or will be contingent  
17 upon his or her success in influencing legislation;

18 (g) Engage in any lobbying activity during any period of  
19 revocation of the lobbyist's registration due to a credible finding  
20 of a violation of the respectful workplace code of conduct developed  
21 under section 6 of this act.

22 (3) A violation by a lobbyist of this section shall be cause for  
23 revocation of his or her registration, and may subject the lobbyist  
24 and the lobbyist's employer, if the employer aids, abets, ratifies,  
25 or confirms the violation, to other civil liabilities as provided by  
26 this chapter.

27 NEW SECTION. **Sec. 5.** A new section is added to chapter 42.17A  
28 RCW to read as follows:

29 (1) A credible finding by either house of the legislature of any  
30 violation of a lobbyist of the code of conduct developed under  
31 section 6 of this act shall result in revocation of the lobbyist's  
32 registration for two years from the date of the credible finding.

33 (2) If a lobbyist's registration is revoked under this section,  
34 the commission shall notify each of the lobbyist's employers of the  
35 credible finding.

36 NEW SECTION. **Sec. 6.** A new section is added to chapter 42.17A  
37 RCW to read as follows:

1 (1) A work group is convened to develop a respectful workplace  
2 code of conduct for lobbyists registered under this chapter. The  
3 respectful workplace code of conduct must include a process for  
4 conducting investigations into any alleged violations of the code of  
5 conduct to make credible findings when allegations are sustained.

6 (2) The code of conduct must be modeled on the code of conduct  
7 developed by the legislature for members of the legislative  
8 community.

9 (3) Members of the work group shall include representatives of  
10 the lobbying community chosen by the commission, the chief clerk of  
11 the house of representatives, and the secretary of the senate.

12 (4) The work group must prepare its code of conduct and process  
13 for investigation into alleged violations of the code of conduct by  
14 December 1, 2019.

15 (5) The commission shall periodically review the code of conduct  
16 and, if necessary to update the code of conduct, convene a work group  
17 with membership appointed in the same manner as in subsection (3) of  
18 this section to produce an updated code of conduct.

19 NEW SECTION. **Sec. 7.** Sections 2, 3, and 5 of this act take  
20 effect December 1, 2019.

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