

Initiative Measure No. 991

Filed

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SECRETARY OF STATE

1 AN ACT Relating to communications between elected officials and
2 lobbyists; amending RCW 42.17.150 and 42.17.170; adding a new section
3 to chapter 42.20 RCW; and prescribing penalties.

4 BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 42.17.150 and 1987 c 201 s 1 are each amended to read
6 as follows:

7 (1) Before doing any lobbying, or within thirty days after being
8 employed as a lobbyist, whichever occurs first, a lobbyist shall
9 register by filing with the commission a lobbyist registration
10 statement, in such detail as the commission shall prescribe, showing:

11 (a) His name, permanent business address, and any temporary
12 residential and business addresses in Thurston county during the
13 legislative session;

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

16 (c) The duration of his employment;

17 (d) His compensation for lobbying; how much he is to be paid for
18 expenses, and what expenses are to be reimbursed;

1 (e) Whether the person from whom he receives said compensation
2 employs him solely as a lobbyist or whether he is a regular employee
3 performing services for his employer which include but are not limited
4 to the influencing of legislation;

5 (f) The general subject or subjects of his legislative interest;

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

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

11 (i) If the lobbyist's employer is an entity (including, but not
12 limited to, business and trade associations) whose members include, or
13 which as a representative entity undertakes lobbying activities for,
14 businesses, groups, associations, or organizations, the name and
15 address of each member of such entity or person represented by such
16 entity whose fees, dues, payments, or other consideration paid to such
17 entity during either of the prior two years have exceeded five hundred
18 dollars or who is obligated to or has agreed to pay fees, dues,
19 payments, or other consideration exceeding five hundred dollars to such
20 entity during the current year.

21 (2) The commission shall collect a one thousand dollar registration
22 fee from all lobbyists initially registering under subsection (1) of
23 this section.

24 (3) Any lobbyist who receives or is to receive compensation from
25 more than one person for his services as a lobbyist shall file a
26 separate notice of representation with respect to each such person;
27 except that where a lobbyist whose fee for acting as such in respect to
28 the same legislation or type of legislation is, or is to be, paid or
29 contributed to by more than one person then such lobbyist may file a
30 single statement, in which he shall detail the name, business address
31 and occupation of each person so paying or contributing, and the amount
32 of the respective payments or contributions made by each such person.

33 ((+3+)) (4) Whenever a change, modification, or termination of the
34 lobbyist's employment occurs, the lobbyist shall, within one week of
35 such change, modification or termination, furnish full information
36 regarding the same by filing with the commission an amended
37 registration statement.

1 ((4)) (5) Each lobbyist who has registered shall file a new
2 registration statement, revised as appropriate, on the second Monday in
3 January of each odd-numbered year, and failure to do so shall terminate
4 his registration.

5 Sec. 2. RCW 42.17.170 and 1995 c 397 s 33 are each amended to read
6 as follows:

7 (1) Any lobbyist registered under RCW 42.17.150 and any person who
8 lobbies shall file with the commission periodic reports of his or her
9 activities signed by the lobbyist. The reports shall be made in the
10 form and manner prescribed by the commission. They shall be due
11 monthly and shall be filed within fifteen days after the last day of
12 the calendar month covered by the report.

13 (2) Each such monthly periodic report shall contain:

14 (a) The totals of all expenditures for lobbying activities made or
15 incurred by such lobbyist or on behalf of such lobbyist by the
16 lobbyist's employer during the period covered by the report. Such
17 totals for lobbying activities shall be segregated according to
18 financial category, including compensation; food and refreshments;
19 living accommodations; advertising; travel; contributions; and other
20 expenses or services. Each individual expenditure of more than twenty-
21 five dollars for entertainment shall be identified by date, place,
22 amount, and the names of all persons in the group partaking in or of
23 such entertainment including any portion thereof attributable to the
24 lobbyist's participation therein, and shall include amounts actually
25 expended on each person where calculable, or allocating any portion of
26 the expenditure to individual participants.

27 Notwithstanding the foregoing, lobbyists are not required to report
28 the following:

29 (i) Unreimbursed personal living and travel expenses not incurred
30 directly for lobbying;

31 (ii) Any expenses incurred for his or her own living
32 accommodations;

33 (iii) Any expenses incurred for his or her own travel to and from
34 hearings of the legislature;

35 (iv) Any expenses incurred for telephone, and any office expenses,
36 including rent and salaries and wages paid for staff and secretarial
37 assistance.

1 (b) In the case of a lobbyist employed by more than one employer,
2 the proportionate amount of such expenditures in each category incurred
3 on behalf of each of his employers.

4 (c) An itemized listing of each such expenditure, whether
5 contributed by the lobbyist personally or delivered or transmitted by
6 the lobbyist, in the nature of a contribution of money or of tangible
7 or intangible personal property to any candidate, elected official, or
8 officer or employee of any agency, or any political committee
9 supporting or opposing any ballot proposition, or for or on behalf of
10 any candidate, elected official, or officer or employee of any agency,
11 or any political committee supporting or opposing any ballot
12 proposition. All contributions made to, or for the benefit of, any
13 candidate, elected official, or officer or employee of any agency, or
14 any political committee supporting or opposing any ballot proposition
15 shall be identified by date, amount, and the name of the candidate,
16 elected official, or officer or employee of any agency, or any
17 political committee supporting or opposing any ballot proposition
18 receiving, or to be benefited by each such contribution.

19 (d) The subject matter of proposed legislation or other legislative
20 activity or rule-making under chapter 34.05 RCW, the state
21 Administrative Procedure Act, and the state agency considering the
22 same, which the lobbyist has been engaged in supporting or opposing
23 during the reporting period, unless exempt under RCW 42.17.160(2).

24 (e) Such other information relevant to lobbying activities as the
25 commission shall by rule prescribe. Information supporting such
26 activities as are required to be reported is subject to audit by the
27 commission.

28 (f) A listing of each payment for an item specified in RCW
29 42.52.150(5) in excess of fifty dollars and each item specified in RCW
30 42.52.010(~~(+9)~~) (10) (d) and (f) made to a state elected official,
31 state officer, or state employee. Each item shall be identified by
32 recipient, date, and approximate value of the item.

33 (g) The total expenditures made during the reporting period by the
34 lobbyist for lobbying purposes, whether through or on behalf of a
35 lobbyist or otherwise. As used in this subsection, "expenditures"
36 includes amounts paid or incurred during the reporting period for (i)
37 political advertising as defined in RCW 42.17.020; and (ii) public
38 relations, telemarketing, polling, or similar activities if such

1 activities, directly or indirectly, are intended, designed, or
2 calculated to influence legislation or the adoption or rejection of a
3 rule, standard, or rate by an agency under the administrative procedure
4 act. The report shall specify the amount, the person to whom the
5 amount was paid, and a brief description of the activity.

6 (3) If a state elected official or a member of such an official's
7 immediate family is identified by a lobbyist in such a report as having
8 received from the lobbyist an item specified in RCW 42.52.150(5) or
9 42.52.010(~~((9))~~) (10) (d) or (f), the lobbyist shall transmit to the
10 official a copy of the completed form used to identify the item in the
11 report at the same time the report is filed with the commission.

12 (4) The commission may adopt rules to vary the content of lobbyist
13 reports to address specific circumstances, consistent with this
14 section.

15 (5)(a)(i) Any lobbyist registered under RCW 42.17.150 and any
16 person who lobbies shall file with the commission a verbatim transcript
17 or good quality recording of any communication with an elected official
18 within forty-eight hours of that communication.

19 (ii) Failure to comply with (a) of this subsection is punishable by
20 a fine of one hundred dollars per hour.

21 (iii) Filing a nonverbatim recollection of a communication under
22 (a) of this subsection is punishable by a fine of five thousand
23 dollars.

24 (b) Making or attempting to make a false or misleading disclosure
25 under (a) of this subsection is punishable by confinement in a state
26 correctional institution for a term of ten years and a fine of fifty
27 thousand dollars.

28 (c) The commission shall post on its web site all transcripts and
29 recordings filed under (a)(i) of this subsection.

30 (d) A state elected official who knows that a lobbyist registered
31 under RCW 42.17.150 or any person who lobbies has not complied with (a)
32 of this subsection shall notify the commission of the violation within
33 twenty-four hours of the state elected official obtaining such
34 knowledge. Failure to comply with this subsection (5)(d) is punishable
35 by a fine of one hundred dollars per day.

36 NEW SECTION. Sec. 3. A new section is added to chapter 42.20 RCW
37 to read as follows:

1 Any elected official who attempts to or does mislead the public
2 concerning a communication between themselves and a lobbyist registered
3 under RCW 42.17.150 or any person who lobbies shall be punished by
4 confinement in a state correctional institution for a term of five
5 years and a fine of twenty-five thousand dollars.

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