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SENATE BILL 6414

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State of Washington

63rd Legislature

2014 Regular Session

By Senators Fain, Tom, Eide, Hill, Angel, Braun, Becker, Litzow, Bailey, Brown, Schoesler, and Rolfes

Read first time 01/24/14. Referred to Committee on Governmental Operations.

1 AN ACT Relating to improving lobbyist reporting and disclosure;  
2 amending RCW 42.17A.050, 42.17A.615, 42.17A.620, and 42.52.150; and  
3 adding new sections to chapter 42.17A RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 42.17A RCW  
6 to read as follows:

7 (1) All agencies required to report under RCW 42.17A.635 must file  
8 all reports required by this chapter electronically over the internet  
9 as provided by the commission under RCW 42.17A.055.

10 (2) No later than January 1, 2015, all lobbyists and lobbyists'  
11 employers required to file reports under RCW 42.17A.600, 42.17A.615,  
12 42.17A.625, or 42.17A.630 must file all reports required by this  
13 chapter electronically over the internet as provided by the commission  
14 under RCW 42.17A.055.

15 **Sec. 2.** RCW 42.17A.050 and 2010 c 204 s 201 are each amended to  
16 read as follows:

17 The commission shall operate a web site or contract for the  
18 operation of a web site that allows access to reports, copies of

1 reports, or copies of data and information submitted in reports, filed  
2 with the commission under RCW 42.17A.205, 42.17A.225, 42.17A.235,  
3 42.17A.255, 42.17A.265, 42.17A.600, 42.17A.615, 42.17A.625, and  
4 42.17A.630. In addition, the commission (~~(shall attempt to)~~) must make  
5 available via the web site and searchable through an application  
6 programming interface other public records submitted to or generated by  
7 the commission that are required by this chapter to be available for  
8 public use or inspection, except for business or residential street  
9 address information.

10 **Sec. 3.** RCW 42.17A.615 and 2010 c 204 s 804 are each amended to  
11 read as follows:

12 (1) Any lobbyist registered under RCW 42.17A.600 and any person who  
13 lobbies shall file with the commission monthly reports of his or her  
14 lobbying activities. The reports shall be made in the form and manner  
15 prescribed by the commission and must be signed by the lobbyist. The  
16 monthly report shall be filed within fifteen days after the last day of  
17 the calendar month covered by the report.

18 (2) The monthly report shall contain:

19 (a) The totals of all expenditures for lobbying activities made or  
20 incurred by the lobbyist or on behalf of the lobbyist by the lobbyist's  
21 employer during the period covered by the report. Expenditure totals  
22 for lobbying activities shall be segregated according to financial  
23 category, including compensation; food and refreshments; living  
24 accommodations; advertising; travel; contributions; and other expenses  
25 or services. Each individual expenditure of more than twenty-five  
26 dollars for entertainment shall be identified by date, place, amount,  
27 and the names of all persons taking part in the entertainment, along  
28 with the specific dollar amount (~~(attributable to)~~) incurred by each  
29 person and paid by the lobbyist, including the lobbyist's portion.

30 (b) In the case of multiple lobbyists or lobbyists' employers  
31 sharing in an expenditure of more than twenty-five dollars for  
32 entertainment, each lobbyist or lobbyists' employer must identify the  
33 date, place, amount, and the names of all persons taking part in the  
34 entertainment, along with the specific dollar amounts of each person's  
35 share of the expenses paid by the reporting lobbyist. A cross-  
36 reference to the report of another lobbyist or lobbyists' employer who

1 shared in an expenditure does not meet the requirements of this  
2 section.

3 (c) In the case of a lobbyist employed by more than one employer,  
4 the proportionate amount of expenditures in each category incurred on  
5 behalf of each of the lobbyist's employers.

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

20 ((+d)) (e) The subject matter of proposed legislation or other  
21 legislative activity or rule making under chapter 34.05 RCW, the state  
22 administrative procedure act, and the state agency considering the  
23 same, which the lobbyist has been engaged in supporting or opposing  
24 during the reporting period, unless exempt under RCW 42.17A.610(2).

25 ((+e)) (f) A listing of each payment for an item specified in RCW  
26 42.52.150(5) (~~in excess of fifty dollars~~) and each item specified in  
27 RCW 42.52.010((+10)) (9) (d) and (f) made to a state elected official,  
28 state officer, or state employee. Each item shall be identified by  
29 recipient, date, and approximate value of the item.

30 ((+f)) (g) The total expenditures paid or incurred during the  
31 reporting period by the lobbyist for lobbying purposes, whether through  
32 or on behalf of a lobbyist or otherwise, for (i) political advertising  
33 as defined in RCW 42.17A.005; and (ii) public relations, telemarketing,  
34 polling, or similar activities if the activities, directly or  
35 indirectly, are intended, designed, or calculated to influence  
36 legislation or the adoption or rejection of a rule, standard, or rate  
37 by an agency under the administrative procedure act. The report shall

1 specify the amount, the person to whom the amount was paid, and a brief  
2 description of the activity.

3 (3) Lobbyists are not required to report the following:

4 (a) Unreimbursed personal living and travel expenses not incurred  
5 directly for lobbying;

6 (b) Any expenses incurred for his or her own living accommodations;

7 (c) Any expenses incurred for his or her own travel to and from  
8 hearings of the legislature;

9 (d) Any expenses for a legislator's food or beverage at a meeting  
10 with the lobbyist where attendance is related to the legislator's  
11 official duties that are paid by the legislator; or

12 (e) Any expenses incurred for telephone, and any office expenses,  
13 including rent and salaries and wages paid for staff and secretarial  
14 assistance.

15 (4) The commission may adopt rules to vary the content of lobbyist  
16 reports to address specific circumstances, consistent with this  
17 section. Lobbyist reports are subject to audit by the commission.

18 **Sec. 4.** RCW 42.17A.620 and 2010 c 204 s 805 are each amended to  
19 read as follows:

20 (1) When a listing or a report of contributions is made to the  
21 commission under RCW 42.17A.615(2)(c), a copy of the listing or report  
22 must be given to the candidate, elected official, professional staff  
23 member of the legislature, or officer or employee of an agency, or a  
24 political committee supporting or opposing a ballot proposition named  
25 in the listing or report.

26 (2) If a state elected official or a member of the official's  
27 immediate family is identified by a lobbyist in a lobbyist report as  
28 having received from the lobbyist an item specified in RCW 42.52.150(5)  
29 of any amount or 42.52.010(~~(+10)~~) (9) (d) or (f), the lobbyist shall  
30 transmit to the official a copy of the completed form used to identify  
31 the item in the report at the same time the report is filed with the  
32 commission.

33 **Sec. 5.** RCW 42.52.150 and 2011 c 60 s 29 are each amended to read  
34 as follows:

35 (1) No state officer or state employee may accept gifts, other than  
36 those specified in subsections (2) and (5) of this section, with an

1 aggregate value in excess of fifty dollars from a single source in a  
2 calendar year or a single gift from multiple sources with a value in  
3 excess of fifty dollars. For purposes of this section, "single source"  
4 means any person, as defined in RCW 42.52.010, whether acting directly  
5 or through any agent or other intermediary, and "single gift" includes  
6 any event, item, or group of items used in conjunction with each other  
7 or any trip including transportation, lodging, and attendant costs, not  
8 excluded from the definition of gift under RCW 42.52.010. The value of  
9 gifts given to an officer's or employee's family member or guest shall  
10 be attributed to the official or employee for the purpose of  
11 determining whether the limit has been exceeded, unless an independent  
12 business, family, or social relationship exists between the donor and  
13 the family member or guest.

14 (2) Except as provided in subsection (4) of this section, the  
15 following items are presumed not to influence under RCW 42.52.140, and  
16 may be accepted without regard to the limit established by subsection  
17 (1) of this section:

18 (a) Unsolicited flowers, plants, and floral arrangements;

19 (b) Unsolicited advertising or promotional items of nominal value,  
20 such as pens and note pads;

21 (c) Unsolicited tokens or awards of appreciation in the form of a  
22 plaque, trophy, desk item, wall memento, or similar item;

23 (d) Unsolicited items received by a state officer or state employee  
24 for the purpose of evaluation or review, if the officer or employee has  
25 no personal beneficial interest in the eventual use or acquisition of  
26 the item by the officer's or employee's agency;

27 (e) Informational material, publications, or subscriptions related  
28 to the recipient's performance of official duties;

29 (f) Food and beverages consumed at hosted receptions where  
30 attendance is related to the state officer's or state employee's  
31 official duties;

32 (g) Gifts, grants, conveyances, bequests, and devises of real or  
33 personal property, or both, in trust or otherwise accepted and  
34 solicited for deposit in the legislative international trade account  
35 created in RCW 43.15.050;

36 (h) Gifts, grants, conveyances, bequests, and devises of real or  
37 personal property, or both, in trust or otherwise accepted and

1 solicited for the purpose of promoting the expansion of tourism as  
2 provided for in RCW 43.330.090;

3 (i) Gifts, grants, conveyances, bequests, and devises of real or  
4 personal property, or both, solicited on behalf of a national  
5 legislative association, 2006 official conference of the national  
6 lieutenant governors' association, or host committee for the purpose of  
7 hosting an official conference under the circumstances specified in RCW  
8 42.52.820 and section 2, chapter 5, Laws of 2006. Anything solicited  
9 or accepted may only be received by the national association or host  
10 committee and may not be commingled with any funds or accounts that are  
11 the property of any person;

12 (j) Admission to, and the cost of food and beverages consumed at,  
13 events sponsored by or in conjunction with a civic, charitable,  
14 governmental, or community organization; and

15 (k) Unsolicited gifts from dignitaries from another state or a  
16 foreign country that are intended to be personal in nature.

17 (3) The presumption in subsection (2) of this section is rebuttable  
18 and may be overcome based on the circumstances surrounding the giving  
19 and acceptance of the item.

20 (4) Notwithstanding subsections (2) and (5) of this section, a  
21 state officer or state employee of a regulatory agency or of an agency  
22 that seeks to acquire goods or services who participates in those  
23 regulatory or contractual matters may receive, accept, take, or seek,  
24 directly or indirectly, only the following items from a person  
25 regulated by the agency or from a person who seeks to provide goods or  
26 services to the agency:

27 (a) Unsolicited advertising or promotional items of nominal value,  
28 such as pens and note pads;

29 (b) Unsolicited tokens or awards of appreciation in the form of a  
30 plaque, trophy, desk item, wall memento, or similar item;

31 (c) Unsolicited items received by a state officer or state employee  
32 for the purpose of evaluation or review, if the officer or employee has  
33 no personal beneficial interest in the eventual use or acquisition of  
34 the item by the officer's or employee's agency;

35 (d) Informational material, publications, or subscriptions related  
36 to the recipient's performance of official duties;

37 (e) Food and beverages consumed at hosted receptions where

1 attendance is related to the state officer's or state employee's  
2 official duties;

3 (f) Admission to, and the cost of food and beverages consumed at,  
4 events sponsored by or in conjunction with a civic, charitable,  
5 governmental, or community organization; and

6 (g) Those items excluded from the definition of gift in RCW  
7 42.52.010 except:

8 (i) Payments by a governmental or nongovernmental entity of  
9 reasonable expenses incurred in connection with a speech, presentation,  
10 appearance, or trade mission made in an official capacity;

11 (ii) Payments for seminars and educational programs sponsored by a  
12 bona fide governmental or nonprofit professional, educational, trade,  
13 or charitable association or institution; and

14 (iii) Flowers, plants, and floral arrangements.

15 (5) A state officer or state employee may accept gifts in the form  
16 of food and beverage on infrequent occasions in the ordinary course of  
17 meals where attendance by the officer or employee is related to the  
18 performance of official duties. The appropriate ethics boards must  
19 define the limits of this allowance. Gifts in the form of food and  
20 beverage that exceed fifty dollars on a single occasion shall be  
21 reported as provided in chapter 42.17A RCW.

22 NEW SECTION. Sec. 6. A new section is added to chapter 42.17A RCW  
23 to read as follows:

24 Every lobbyist who is required to report any entertainment  
25 expenditure to the commission pursuant to RCW 42.17A.615 must pay a fee  
26 of two hundred dollars to the commission each calendar year that it is  
27 required to report under RCW 42.17A.600, 42.17A.615, 42.17A.630, or  
28 42.17A.640.

29 NEW SECTION. Sec. 7. A new section is added to chapter 42.17A RCW  
30 to read as follows:

31 (1) The public disclosure electronic filing account is created in  
32 the custody of the state treasurer. All receipts from fees paid under  
33 section 6 of this act must be deposited into the account. Expenditures  
34 from the account may be used only for costs incurred as a result of the  
35 design, development, implementation, and maintenance of:

1           (a) Computer hardware and software or other applications to  
2 accommodate electronic filing of the reports required by this chapter;  
3 and

4           (b) A database and query system compatible with current  
5 architecture, technology, and operating systems that result in readily  
6 available data to the public for review and analysis.

7           (2) Only the executive director of the commission, or the executive  
8 director's designee, may authorize expenditures from the account. The  
9 account is subject to allotment procedures under chapter 43.88 RCW, but  
10 an appropriation is not required for expenditures.

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