
SENATE BILL 5861

State of Washington

66th Legislature

2019 Regular Session

By Senators Dhingra, Rivers, Hunt, Wellman, Hasegawa, Darneille, and Saldaña

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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