

Chapter 390-20 WAC

~~((FORMS FOR))~~ REPORTING LOBBYING ~~((REPORTS, ELECTED OFFICIALS AND LEGISLATORS))~~ ACTIVITIES^[AL1]^[AL2]^[SF3]

AMENDATORY SECTION (Amending WSR 14-15-015, filed 7/3/14, effective 12/1/14).

WAC 390-20-01010 - ~~((Forms for))~~ lobbyist registration.

The rules in this chapter set forth the reporting requirements for lobbying activities and legislative activities of governmental units. As required under Chapter 42.17A RCW.

[Statutory Authority: RCW 42.17A.110 and 42.17A.125. WSR 14-15-015, § 390-20-0101, filed 7/3/14, effective 12/1/14. Statutory Authority: RCW 42.17A.110(1). WSR 14-01-011, § 390-20-0101, filed 12/5/13, effective 1/5/14. Statutory Authority: RCW 42.17A.110. WSR 12-03-002, § 390-20-0101, filed 1/4/12, effective 2/4/12. Statutory Authority: RCW 42.17.370. WSR 05-06-070, § 390-20-0101, filed 3/1/05, effective 4/1/05; WSR 04-02-028, § 390-20-0101, filed 12/31/03, effective 1/31/04. Statutory Authority: RCW 42.17.370(1). WSR 00-22-060 and 00-24-041, § 390-20-0101, filed 10/27/00 and 11/29/00, effective 11/27/00 and 12/30/00. Statutory Authority: RCW 42.17.370. WSR 91-09-021, § 390-20-0101, filed 4/10/91, effective 5/11/91. Statutory Authority: RCW 42.17.370(1). WSR 87-05-001 (Order 87-01), § 390-20-0101, filed 2/5/87; WSR 85-24-020 (Order 85-05), § 390-20-0101, filed 11/26/85; WSR 82-21-020 (Order 82-07), § 390-20-0101, filed 10/12/82; WSR 78-02-063 (Order 96), § 390-20-0101, filed 1/23/78.]

AMENDATORY SECTION (Amending WSR 99-12-069, filed 5/27/99, effective 6/27/99)

WAC 390-20-014 Registration during last calendar quarter of the biennial registration period. (1) The registration of a lobbyist who registers during the last calendar quarter of an even-numbered year is valid until the second Monday of January three years ~~later~~hence, unless it is terminated or suspended before that day.

(2) ~~The Lobbyists are is~~ required to file monthly expense reports ((~~PDC Form~~) L-2 Report) for each month in which ~~they he or she are is~~ registered, even if no reportable lobbying expenditures are made.

(3) ~~The Lobbyist employers must shall~~ file the employer's report ((~~PDC Form~~) L-3 Report) for each calendar year or portion thereof in which a lobbyist employed by them is registered.

[Statutory Authority: RCW 42.17.370(1). WSR 99-12-069, § 390-20-014, filed 5/27/99, effective 6/27/99; WSR 87-08-025 (Order 87-02), § 390-20-014, filed 3/25/87.]

AMENDATORY SECTION (Amending WSR 85-24-020, filed 11/26/85)

WAC 390-20-015

Lobbyists registration—Termination.

A^[SF4]~~L~~obbyist who ceases lobbying and is no longer receiving compensation to lobby activity may terminate theirhis or her registration at any time by filing with the commission electronically submitting a signed statement, consistent with RCW 42.17A.600(3), indicating that he or she isthey are not lobbying or being compensated to lobby. This notice of termination may be provided on an L-2 report for the month in which termination has taken place. LA~~l~~obbyists who terminates his or her their registration mustshall file all reports required by chapter 42.17A RCW for the period during which theyhe or she wereas registered as a lobbyist. The employer of a lobbyist who terminates theirhis or her registration isshall not be relieved of any duty to file the reports otherwise required by chapter 42.17A RCW.

WAC 390-20-017 Suspension of registration. A~~L~~obbyistss by notifying the commission in advance in writing may temporarily suspend theirhis or her registration by amending the registration for any month(s) to indicate the months in which no lobbying will be done, no expenditures will be made for lobbying and no compensation will be received for lobbying, by^[AL5]~~by~~^[SF6]. The amendment must be made before the beginning of the suspension period.

~~((a))~~ (1) During the period when the suspension is effective, the PDC~~commission~~ will not require L-2 Reports to be filed.

~~((b))~~ (2) The registration shall be reinstated upon the expiration of the suspension period indicated on the amended registration. The lobbyist must update any information on the

~~registration upon reinstatement. The lobbyist may reinstate the registration by notifying the commission in writing^[AL7]. The notification must state the date the reinstatement is to be effective. It must also affirm that information on the original L-1 registration is still correct or include an amended L-1 ((Form)) Report.~~

~~((e))~~ (3) Notification under this rule does not suspend or modify the requirement in RCW 42.17.150(4) for a new registration each odd-numbered year^[AL8]^[SF9].

[Statutory Authority: RCW 42.17.370(1). WSR 85-24-020 (Order 85-05), § 390-20-017, filed 11/26/85.]

AMENDATORY SECTION (Amending WSR 17-22-071, filed 10/27/17, effective 11/27/17)

WAC 390-20-018

Lobbyist^[SF10] voluntary registration.

A person, exempt from registration under RCW [42.17A.600](#), who voluntarily registers as a lobbyist, ~~is shall not be~~ required to file the reports required by RCW [42.17A.615](#).

The employer of any voluntarily registered lobbyist ~~is shall~~ not ~~be~~ required to file the reports provided in RCW [42.17A.630](#).

WAC 390-20-020 (~~Forms for~~) **Reporting lobbyist** (~~report of~~) **expenditures.** The official (~~form for the lobbyist~~) report of expenditures is designated "L-2," which includes the L-2 Memo Report.

~~((Copies of this form are))~~ This report is available on the PDCcommission's website, www.pdc.wa.gov, and at the PDCCommission

Office, Room 206, Evergreen Plaza Building, Olympia,

Washington^[AL11]_[SF12]. (~~Any attachments shall be on 8-1/2" x 11" white paper.~~)

[Statutory Authority: RCW 42.17A.110(1). WSR 17-22-071, § 390-20-020, filed 10/27/17, effective 11/27/17. Statutory Authority: RCW 42.17A.110 and 42.17A.615(4). WSR 15-01-064, § 390-20-020, filed 12/11/14, effective 1/11/15. Statutory Authority: RCW 42.17A.110 and 42.17A.125. WSR 14-15-015, § 390-20-020, filed 7/3/14, effective 12/1/14. Statutory Authority: RCW 42.17A.110(1). WSR 14-01-011, § 390-20-020, filed 12/5/13, effective 1/5/14. Statutory Authority: RCW 42.17.370(1). WSR 02-03-018, § 390-20-020, filed 1/4/02, effective 2/4/02; WSR 96-01-103, § 390-20-020, filed 12/19/95, effective 1/19/96. Statutory Authority: RCW 42.17.370. WSR 93-04-072, § 390-20-020, filed 1/29/93, effective 3/1/93; WSR 91-24-011, § 390-20-020, filed 11/22/91, effective 12/23/91; WSR 90-20-088, § 390-20-020, filed 9/28/90, effective 10/29/90. Statutory Authority: RCW 42.17.370(1). WSR 85-24-020 (Order 85-05), § 390-20-020, filed 11/26/85; WSR 82-21-020 (Order 82-07), § 390-20-020, filed 10/12/82; WSR 80-02-055 (Order

80-01), § 390-20-020, filed 1/17/80; Order 94, § 390-20-020, filed 10/31/77; Order 88, § 390-20-020, filed 12/29/76; Order 62, § 390-20-020, filed 8/26/75; Order 45, § 390-20-020, filed 9/26/74; Order 6, § 390-20-020, filed 3/23/73.]

AMENDATORY SECTION (Amending WSR 15-01-064, filed 12/11/14, effective 1/11/15)

WAC 390-20-020A L-2 Reporting guide. For Entertainment,

Receptions, Travel and Educational Expenditures [AL13] [SF14]

<p align="center">Typical Expenditures* (Only permitted if receipt could not reasonably be expected to influence the performance of the officer's or employee's official duties.)</p>	<p align="center">((Expense Included on Line 5))</p>	<p align="center"><u>Itemize</u> <u>Expense</u> ((Included on Line 15)) ?</p>	<p align="center">Give Copy of ((L-2 or)) <u>Monthly Expense Report or Memo Report to Elected Official?</u></p>
Entertaining State Officials, Employees or Their Families:			
<input type="checkbox"/> Any type of entertainment occasion costing \$50 or less	((Yes))	No	No
<input type="checkbox"/> Breakfast, lunch or dinner for legislator or other state official or employee (singly, or in conjunction with family member(s)) and total cost for occasion is: <ul style="list-style-type: none"> ° \$50 or less ° More than \$50, and amount attributable to legislator/family is more than \$50 	((Yes Yes))	No Yes	No Yes
<input type="checkbox"/> Tickets to theater, sporting events, etc.	((Yes))	Yes	No
<input type="checkbox"/> Golf outing	((Yes))	Yes	No
Receptions:			
<input type="checkbox"/> Reception to which the entire legislature, all members of a chamber, or any of the two largest caucuses recognized in each chamber are invited and is: <ul style="list-style-type: none"> ° Sponsored by a person other than a lobbyist; 	((Yes))	Yes Disclose list of attendees (submitting	No

<p align="center">Typical Expenditures* (Only permitted if receipt could not reasonably be expected to influence the performance of the officer's or employee's official duties.)</p>	<p align="center">((Expense Included on Line 5))</p>	<p align="center"><u>Itemize Expense</u> ((Included on Line 15))?</p>	<p align="center">Give Copy of ((L-2 or)) <u>Monthly Expense Report or Memo Report to Elected Official?</u></p>
<ul style="list-style-type: none"> ◦ Attended by individuals other than legislators, lobbyists, and lobbyist employers; ◦ A social event; and ◦ Does not include a sit-down meal. 		sign-in sheet is sufficient). A per-person cost is not required	
<input type="checkbox"/> All other receptions	<p align="center">((Yes))</p>	<p align="center">Yes</p>	<p align="center">Yes, if the food and beverage cost for the legislator and family members exceeds \$50</p>
Travel-Related Expenditures for Officials, Employees:			
<input type="checkbox"/> Travel, lodging, meals for office-related appearance or speech at lobbyist employer's annual conference	<p align="center">((Yes))</p>	<p align="center">Yes</p>	<p align="center">Yes</p>
<input type="checkbox"/> Travel, lodging, meals for office-related tour of lobbyist employer's manufacturing plant or other facility	<p align="center">((Yes))</p>	<p align="center">Yes</p>	<p align="center">Yes</p>
Educational Expenditures for Officials, Employees:			
<input type="checkbox"/> Travel, lodging, meals, tuition to attend seminar sponsored by nonprofit organization	<p align="center">((Yes))</p>	<p align="center">Yes</p>	<p align="center">Yes</p>
Other Lobbying-Related Items:			
<input type="checkbox"/> Flowers costing any amount to officials, staff and/or family	<p align="center">((Yes))</p>	<p align="center">No</p>	<p align="center">No</p>
<input type="checkbox"/> Candy costing \$50 or less per official or employee	<p align="center">((Yes))</p>	<p align="center">No</p>	<p align="center">No</p>
<input type="checkbox"/> Golf balls, coffee cups or other promotional items	<p align="center">((Yes))</p>	<p align="center">No</p>	<p align="center">No</p>
<input type="checkbox"/> Fruit baskets costing \$50 or less per official or employee	<p align="center">((Yes))</p>	<p align="center">No</p>	<p align="center">No</p>

Note: References to employees or staff do not constitute authority to provide impermissible items to regulatory, contracting or purchasing employees.

[Statutory Authority: RCW 42.17A.110 and 42.17A.615(4). WSR 15-01-064, § 390-20-020A, filed 12/11/14, effective 1/11/15.]

AMENDATORY SECTION (Amending WSR 14-15-015, filed 7/3/14, effective 12/1/14)

WAC 390-20-024

Lobbyist nonreportable expenses^[AL15]^[SF16].

A registered lobbyist who is not compensated for lobbying and, who in advance, informs the ~~PDC~~commission that the only expenses to be incurred are those exempt from reporting as provided in RCW 42.17A.615 (3) (a) through (d) ~~is~~shall not ~~be~~ required to file an L-2 report.

WAC 390-20-025

Lobbyists expenditures—Apportionment of expenses.

For the purposes of compliance with RCW 42.17A.615 (2) (a) requiring reporting of expenditures by lobbyists, a person registered and reporting as a lobbyist need only report those expenditures made or incurred for lobbying.

WAC 390-20-026^[SF17]

Definition of term "other expenses."

The term "other expenses" in RCW 42.17A.615 ~~shall be deemed to include~~s only expenses or services paid or incurred or performed in connection with lobbying.

WAC 390-20-027^[SF18]

Definition—State elected official, candidate for state office.

For the purposes of reporting by employers of registered lobbyists pursuant to RCW 42.17A.630, the terms "state elected official" and "candidate for state office" ~~shall~~ include governor, lieutenant governor, attorney general, state auditor, commissioner of public lands, insurance commissioner, secretary of state, superintendent of public instruction, state treasurer, state senator and state representative.

WAC 390-20-052 Application of RCW 42.17A.635—Reports of agency

lobbying. ~~Pursuant to the authority granted in RCW 42.17A.635(8), the commission adopts the following interpretations~~ Regarding the reporting of lobbying by public agencies pursuant to RCW 42.17A.635:

(1) The phrase "in-person lobbying" contained in RCW 42.17A.635 (5) (d) (v) (B) includes activity which is intended to influence the passage or defeat of legislation, such as testifying at public hearings, but does not include activity which is not intended to influence legislation, such as attending a hearing merely to monitor or observe testimony and debate.

(2) The phrase "a legislative request" contained in RCW 42.17A.635 (5) (d) (ii) includes an oral request from a member of the legislature or its staff.

(3) (a) When any subagency (i.e., department, bureau, board, commission or agency) within a state agency, county, city, town, municipal corporation, quasi-municipal corporation or special purpose district (i.e., primary agency) has independent authority to expend public funds for lobbying, that subagency may file a separate L-5 reporting the information required by RCW 42.17A.635(5).

(b) When a subagency elects to file its own, separate L-5, it ~~must~~ shall notify the ~~commission~~ [AL19] [SF20] and the administrative head of

the primary agency of its intentions ~~in writing~~. The primary agency ~~doeshall~~ not thereafter need to include information for the subagency in its L-5, and ~~willshall~~ have no legal obligation for the filings of the subagency.

(4) Pursuant to RCW 42.17A.635(6), certain local agencies may elect to have lobbying activity on their behalf reported by their elected officials, officers and employees in the same manner as lobbyists who register and report under RCW 42.17A.600 and 42.17A.615:

(a) Whenever such a local agency makes such an election, ~~it~~^[AL21]^[SF22] ~~shall provide the commission with a written notice.~~

(b) After such an election, those who lobby on behalf of such local agency ~~mustshall~~ register and report all lobbying activity reportable under RCW 42.17A.635(5) in the same manner as lobbyists who are required to register and report under RCW 42.17A.600 and 42.17A.615. Such a local agency shall report pursuant to RCW 42.17A.630.

(c) In order to terminate such an election, such a local agency ~~mustshall~~ provide ~~the commission with a written~~ notice^[AL23]^[SF24] and ~~it shall~~ report pursuant to RCW 42.17A.635(5) thereafter.

(d) The exemptions from reportable lobbying activity contained in RCW 42.17A.635 (5)(d) apply to all agencies, whether or not they have

exercised the election to report in the same manner as lobbyists who report under RCW 42.17A.600, 42.17A.615, and 42.17A.630. The exemptions contained in RCW 42.17A.610 (1), (4) and (5) do not apply to any agency.

(5) Unless an agency has elected to report its lobbying pursuant to RCW 42.17A.635(6) and subsection (3) of this section, an agency ~~must~~shall include the reportable lobbying activity on its behalf by an elected official in its quarterly report. Such an elected official does not file any separate report of that activity.

(6) Reportable in-person lobbying by elected officials, officers and employees:

(a) An elected official does not engage in reportable in-person lobbying on behalf of an agency unless and until that elected official has expended in excess of twenty-five dollars of nonpublic funds in connection with such lobbying for or on behalf of any one or more members of the legislature or state elected officials or public officers or employees of the state of Washington during any three-month period as provided in RCW 42.17A.635 (5) (d) (v) (B).

(b) Other officers and employees do not engage in reportable in-person lobbying on behalf of their agency unless and until they have, in the aggregate, expended in excess of twenty-five dollars of

nonpublic funds in connection with such lobbying for or on behalf of any one or more members of the legislature or state elected officials or public officers or employees of the state of Washington or they have, in the aggregate, engaged in such lobbying for more than four days or parts thereof during any three month period as provided in RCW 42.17A.635 (5) (d) (v) (B).

(c) When limits in (a) or (b) of this subsection have been exceeded, the agency ~~must~~shall report such elected official, officer, or employee as a "person who lobbied this quarter" on the front of ((PDC Form)) L-5 Report and include a listing of those excess expenditures as noted on that ((form)) report.

[Statutory Authority: RCW 42.17A.110 and 42.17A.125. WSR 14-15-015, § 390-20-052, filed 7/3/14, effective 12/1/14. Statutory Authority: RCW 42.17A.110. WSR 12-03-002, § 390-20-052, filed 1/4/12, effective 2/4/12. Statutory Authority: RCW 42.17.370(1). WSR 96-05-001, § 390-20-052, filed 2/7/96, effective 3/9/96. Statutory Authority: RCW 42.17.390. WSR 94-11-016, § 390-20-052, filed 5/5/94, effective 6/5/94. Statutory Authority: 42.17.370. WSR 91-16-072, § 390-20-052, filed 8/2/91, effective 9/2/91. Statutory Authority: RCW 42.17.370(1). WSR 85-24-020 (Order 85-05), § 390-20-052, filed 11/26/85; WSR 80-02-055 (Order 80-01), § 390-20-052, filed 1/17/80.]

AMENDATORY SECTION (Amending WSR 17-22-071, filed 10/27/17, effective 11/27/17)

WAC 390-20-054

Agency^[SF25] lobbying—Reporting of lobbying by independent contractors.

(1) An independent contractor who is retained to lobby on behalf of an agency ~~must~~shall register and report as a lobbyist pursuant to RCW 42.17A.600 and 42.17A.615.

(2) An agency ~~that~~which retains an independent contractor as a lobbyist and reports all of its expenditures in connection therewith pursuant to RCW 42.17A.635 ~~is not required~~shall not be obligated to file a report pursuant to RCW 42.17A.630 with regard to that lobbyist.

WAC 390-20-105

Lobbyist's^[SF26] employer—Meaning—Examples.

(1) The term "lobbyist's employer" includes every person who engages or utilizes the services of any other person to lobby, upon an agreement express or implied, for compensation or for other consideration, as that term is defined in WAC 390-05-220. A person is a lobbyist's employer within the meaning of the act when:

(a) Other persons are actually employed by or receive consideration from such person in whole or in part for lobbying;

(b) Officers or employers of such person, lobby for or on behalf of such person, whether such duties are expressed in the corporate or partnership articles or bylaws or other writings of such employer, or in a written or oral contract, or exist by reason of a mutual understanding;

(c) The lobbying services are secured or arranged for through an authorized representative.

(2) A person ~~will~~shall not be ~~considered~~deemed to be a lobbyist's employer solely because an employee of such person engages in lobbying.

WAC 390-20-110 ((Forms)) Reporting for lobbyist employers

~~((report))~~. The official ~~((form))~~ report for statement by employers of registered lobbyists as required by RCW 42.17.180 is designated "L-3." ~~((Copies of this form are))~~ This report is available on the PDCcommission's website, www.pdc.wa.gov, and at the PDCCommission Office, Olympia, Washington^[AL27]^[SF28]. ~~((Any paper attachments shall be on 8-1/2" x 11" white paper.))~~

[Statutory Authority: RCW 42.17A.110(1). WSR 17-22-071, § 390-20-110, filed 10/27/17, effective 11/27/17. Statutory Authority: RCW 42.17A.110 and 42.17A.125(2). WSR 15-01-066, § 390-20-110, filed 12/11/14, effective 1/11/15. Statutory Authority: RCW 42.17.370 and 2008 c 6 § 1303. WSR 09-01-063, § 390-20-110, filed 12/11/08, effective 1/11/09. Statutory Authority: RCW 42.17.370. WSR 05-06-070, § 390-20-110, filed 3/1/05, effective 4/1/05; WSR 04-02-028, § 390-20-110, filed 12/31/03, effective 1/31/04. Statutory Authority: RCW 42.17.370(1). WSR 02-03-018, § 390-20-110, filed 1/4/02, effective 2/4/02. Statutory Authority: RCW 42.17.370(1) and 42.17.180 (1)(h). WSR 98-01-062, § 390-20-110, filed 12/11/97, effective 1/11/98. Statutory Authority: RCW 42.17.370(1). WSR 96-01-103, § 390-20-110, filed 12/19/95, effective 1/19/96. Statutory Authority: RCW 42.17.390.

WSR 95-01-074A, § 390-20-110, filed 12/16/94, effective 1/16/95.
Statutory Authority: RCW 42.17.370. WSR 93-04-072, § 390-20-110, filed 1/29/93, effective 3/1/93; WSR 90-22-018, § 390-20-110, filed 10/29/90, effective 11/29/90. Statutory Authority: RCW 42.17.370(1). WSR 87-05-001 (Order 87-01), § 390-20-110, filed 2/5/87; WSR 85-24-020 (Order 85-05), § 390-20-110, filed 11/26/85; WSR 84-05-018 (Order 84-01), § 390-20-110, filed 2/10/84; Order 62, § 390-20-110, filed 8/26/75.]

Reviser's note: Notice of Objection: The Joint Administrative Rules Review Committee finds that WAC 390-20-110 has not been modified, amended, withdrawn, or repealed by the Public Disclosure Commission so as to conform with the intent of the Legislature as expressed in RCW 42.17.170 and 42.17.180. Therefore, pursuant to its authority under RCW 34.04.240, this notice of objection is filed. The Joint Committee finds that WAC 390-20-110 requires the disclosure of information from lobbyists' employers which RCW 42.17.170 specifically excludes from reporting by lobbyists. It is the opinion of the Joint Committee that the Commission is attempting to obtain information from lobbyists' employers which the Commission would not otherwise be able to obtain from lobbyists themselves. This would thwart the express intent of the Legislature that such information is inappropriate for reporting. WAC 390-20-110 would effectively neuter the reporting exemptions in RCW 42.17.170—the Commission would have the information. This is not what the Legislature intended. [Joint Administrative Rules Review Committee, Memorandum, August 16, 1984—Filed August 28, 1984, WSR 84-18-014.]

AMENDATORY SECTION (Amending WSR 17-22-071, filed 10/27/17, effective 11/27/17)

WAC 390-20-111^[AL29]^[SF30] (~~Form for~~) Lobbyist employers

(~~report~~) reporting of political contributions. The official (~~form~~) report entitled "Employer of Lobbyist Monthly Political Contribution Report" as required by RCW 42.17A.630 (2)(a) is designated "L-3c." Hard copies of this (~~form~~) report are available for download on the PDCcommission's website, www.pdc.wa.gov, and at the PDCCommission Office, Olympia, Washington. ~~Any~~^[SF31] ~~attachments must be on 8-1/2" x 11" white paper.~~

[Statutory Authority: RCW 42.17A.110(1). WSR 17-22-071, § 390-20-111, filed 10/27/17, effective 11/27/17. Statutory Authority: RCW 42.17A.110 and 42.17A.125. WSR 14-15-015, § 390-20-111, filed 7/3/14, effective 12/1/14. Statutory Authority: RCW 42.17A.110. WSR 12-03-002, § 390-20-111, filed 1/4/12, effective 2/4/12. Statutory Authority: RCW 42.17.370(1). WSR 02-03-018, § 390-20-111, filed 1/4/02, effective 2/4/02. Statutory Authority: RCW 42.17.370. WSR 90-16-083, § 390-20-111, filed 7/31/90, effective 8/31/90.]

AMENDATORY SECTION (Amending WSR 17-22-071, filed 10/27/17, effective 11/27/17)

WAC 390-20-120 (~~(Forms for report of)~~) **Reporting legislative activity by public agencies**^[AL32]^[SF33]. The official (~~(form)~~) report for (~~(the report of)~~) legislative activity by public agencies as required by RCW 42.17A.635 is designated "L-5." (~~(Copies of this form are)~~) This report is available on the [PDC Commission's](http://www.pdc.wa.gov) website, www.pdc.wa.gov, and at the [PDC Commission](#) Office, Olympia, Washington. (~~(Any attachments shall be on 8-1/2" x 11" white paper.)~~)

[Statutory Authority: RCW 42.17A.110(1). WSR 17-22-071, § 390-20-120, filed 10/27/17, effective 11/27/17. Statutory Authority: RCW 42.17A.110 and 42.17A.125. WSR 14-15-015, § 390-20-120, filed 7/3/14, effective 12/1/14. Statutory Authority: RCW 42.17.370(1). WSR 12-01-031, § 390-20-120, filed 12/13/11, effective 1/13/12. Statutory Authority: RCW 42.17.370. WSR 09-01-068, § 390-20-120, filed 12/12/08, effective 1/12/09. Statutory Authority: RCW 42.17.370(1). WSR 02-03-018, § 390-20-120, filed 1/4/02, effective 2/4/02; WSR 85-24-020 (Order 85-05), § 390-20-120, filed 11/26/85; WSR 80-02-106 (Order 80-02), § 390-20-120, filed 1/24/80. Statutory Authority: RCW

42.17.160(4) and 42.17.370(1). WSR 78-08-061 (Order 100), § 390-20-120, filed 7/24/78; Order 94, § 390-20-120, filed 10/31/77; Order 77, § 390-20-120, filed 6/2/76; Order 62, § 390-20-120, filed 8/26/75.]

AMENDATORY SECTION (Amending WSR 17-22-071, filed 10/27/17, effective 11/27/17)

WAC 390-20-125^[AL34]^[SF35] (~~Forms for~~) Registration and reporting by sponsors of grass roots lobbying campaigns. The official (~~form~~) report for registration and reporting by sponsors of grass roots lobbying campaigns as required by RCW 42.17A.640 is designated "L-6." Hard copies of this (~~form~~) report are available for download on the PDC~~commission~~'s website, pdc.wa.gov, and at the PDC~~Commission~~ Office, Olympia, Washington. ~~Any~~^[SF36] ~~attachments shall be on 8-1/2" x 11" white paper.~~

[Statutory Authority: RCW 42.17A.110(1). WSR 17-22-071, § 390-20-125, filed 10/27/17, effective 11/27/17. Statutory Authority: RCW 42.17A.110 and 42.17A.125. WSR 14-15-015, § 390-20-125, filed 7/3/14, effective 12/1/14. Statutory Authority: RCW 42.17A.110. WSR 12-03-002, § 390-20-125, filed 1/4/12, effective 2/4/12. Statutory Authority: RCW 42.17.370(1). WSR 02-03-018, § 390-20-125, filed 1/4/02, effective

2/4/02. Statutory Authority: RCW 42.17.370. WSR 90-16-083, § 390-20-125, filed 7/31/90, effective 8/31/90. Statutory Authority: RCW 42.17.370(1). WSR 85-24-020 (Order 85-05), § 390-20-125, filed 11/26/85; Order 62, § 390-20-125, filed 8/26/75.]

AMENDATORY SECTION (Amending WSR 17-22-071, filed 10/27/17, effective 11/27/17)

WAC 390-20-130 (~~(Forms for)~~) Statement of employment of legislators, state officers, and state employees^[AL37]^[SF38]. The official (~~form~~) report for statement of employment of legislators, state officers, and state employees as required by RCW 42.17A.645 is designated "L-7." Hard copies of this form are available for download on the PDC~~commission~~'s website, www.pdc.wa.gov, and at the PDC~~Commission~~ Office, Olympia, Washington. ~~Any~~^[SF39] ~~paper attachments shall be on 8-1/2" x 11" white paper.~~

[Statutory Authority: RCW 42.17A.110(1). WSR 17-22-071, § 390-20-130, filed 10/27/17, effective 11/27/17. Statutory Authority: RCW 42.17A.110 and 2015 c 72. WSR 16-04-027, § 390-20-130, filed 1/25/16, effective 2/25/16. Statutory Authority: RCW 42.17A.110. WSR 12-03-002, § 390-20-130, filed 1/4/12, effective 2/4/12. Statutory Authority: RCW

42.17.370. WSR 05-11-002, § 390-20-130, filed 5/4/05, effective 6/4/05. Statutory Authority: RCW 42.17.370(1). WSR 02-03-018, § 390-20-130, filed 1/4/02, effective 2/4/02; WSR 85-24-020 (Order 85-05), § 390-20-130, filed 11/26/85; Order 62, § 390-20-130, filed 8/26/75.]

AMENDATORY SECTION (Amending WSR 12-03-002, filed 1/4/12, effective 2/4/12)

WAC 390-20-140 Loss of ((RCW 42.17A.610)) exemption((s)) from registering and reporting lobbying activities. (1) For the purpose of determining compliance with RCW 42.17A.650, a lobbyist's employer ~~is shall be~~ responsible for the applicability of all of the exemptions provided in RCW 42.17A.610 to any lobbyist the employer employs, pays, or agrees to pay.

(2) The commission recognizes that a lobbyist who initially intends in good faith to utilize the "casual lobbying" exemption from registration and reporting which is provided in RCW 42.17A.610(4) may thereafter become ineligible for that exemption, thus violating RCW 42.17A.600 ((and/or)) or 42.17A.615 by not having registered ((and/or)) or reported within the prescribed time periods.

(3) The commission ~~will~~shall not commence enforcement proceedings against a lobbyist or ~~their~~his or her employer in circumstances described in subsection (2) of this section if the lobbyist:

(a) Registers pursuant to RCW 42.17A.600 before doing any lobbying in excess of the exemption limitations in RCW 42.17A.610(4); and

(b) Files a report on ((Form)) the L-2 Report when next due under RCW 42.17A.615, ~~which report~~ includes all reportable information for the lobbying activities cumulatively causing the exemption limitations to be reached.

(4) The duty under RCW 42.17A.655(1) of a person required to register as a lobbyist to obtain and preserve all records necessary to substantiate required financial reports ~~shall~~ includes such records of all activities which cumulatively cause the RCW 42.17A.610(4) exemption limitations to be reached and exceeded.

(5) A lobbyist whose only compensation or other consideration for lobbying is payment of or reimbursement for expenditures not required to be reported per RCW 42.17A.615 (3)(a) through (d), does not qualify for exemption from registration and reporting per RCW 42.17A.610(4).

[Statutory Authority: RCW 42.17A.110. WSR 12-03-002, § 390-20-140, filed 1/4/12, effective 2/4/12. Statutory Authority: RCW 42.17.370(1).

WSR 85-24-020 (Order 85-05), § 390-20-140, filed 11/26/85; WSR 82-14-016 (Order 82-04), § 390-20-140, filed 6/28/82. Statutory Authority: RCW 42.17.160(4) and 42.17.370(1). WSR 78-07-038 (Order 99), § 390-20-140, filed 6/26/78.]

AMENDATORY SECTION (Amending WSR 14-15-015, filed 7/3/14, effective 12/1/14)

WAC 390-20-141

Registration and reporting required when a lobbyist employs another lobbyist.

(1) If a registered lobbyist employs another lobbyist to perform lobbying activities in excess of the exemptions specified in RCW 42.17A.600(2) or 42.17A.610 then ~~thesuch~~ registered lobbyist employing another lobbyist to assist with lobbying activities is also an employer of a registered lobbyist.

(2) Any person who becomes an employer of a registered lobbyist under such circumstances must (a) confirm such employment on the employed lobbyiste's L-1 registration statement; (b) in a written^{[AL40][SF41]} instrument filed with such employed lobbyiste's L-1 registration statement, identify which clients the employed lobbyiste is authorized to represent; (c) file an annual L-3 report as an employer of a registered lobbyist; and (d) continue to file monthly L-2 reports as a registered lobbyist.

WAC 390-20-143 Application of lobbying provisions to

organizations. (1) A lobbyist other than a natural person^{[AL42][SF43]}

~~shall be~~ will be considered~~deemed~~ to have properly restricted its

lobbying activities and is eligible for the RCW 42.17A.610(5) "casual

lobbying" exemption during any three-month period in which its agents or employees do not make an expenditure of more than thirty-five dollars for or on behalf of legislators, state elected officials, public officers or employees of the state of Washington.

(2) A lobbyist other than a natural person^[AL44] which does sponsor or coordinate or directly make unreported expenditures exceeding thirty-five dollars during a three-month period, as fully described in subsection (1) of this section, must register and report as required by RCW 42.17A.600 and 42.17A.615: Provided, that it can satisfy these requirements by having an individual agent (a) register and reports as a lobbyist, and (b) include (~~as part of Form L-2~~) a report of these and all other lobbying expenditures made on behalf of the nonnatural^[AL45] person during that three-month period as part of the L-2 Report.

(3) An entity(~~(r)~~) including, but not limited to, a law firm, consulting firm, advertising agency, or other similar organization, which receives or expects to receive compensation for lobbying from any person, must register and report as a lobbyist pursuant to RCW 42.17A.600 and 42.17A.615: Provided, that membership dues or contributions to a nonprofit organization made for the purpose of promoting a general interest and not in return for lobbying on behalf

of any specific member or contributor ~~will~~shall not be regarded as compensation for this purpose. Registration statements and reports ~~must~~shall list as the lobbyists both the firm or organization and each individual acting on its behalf. The person paying the compensation ~~must~~shall report under RCW 42.17A.630 as a lobbyist's employer.

[Statutory Authority: RCW 42.17A.110 and 42.17A.125. WSR 14-15-015, § 390-20-143, filed 7/3/14, effective 12/1/14. Statutory Authority: RCW 42.17A.110. WSR 12-03-002, § 390-20-143, filed 1/4/12, effective 2/4/12. Statutory Authority: RCW 42.17.370(1). WSR 85-24-020 (Order 85-05), § 390-20-143, filed 11/26/85. Statutory Authority: RCW 42.17.160(4) and 42.17.370(1). WSR 78-07-038 (Order 99), § 390-20-143, filed 6/26/78.]

AMENDATORY SECTION (Amending WSR 14-15-015, filed 7/3/14, effective 12/1/14)

WAC 390-20-144 Registration and reporting by lobbyist

organizations. (1) Any firm, company, association, or similar organization required to register as a lobbyist ~~must~~shall file one registration statement ((~~PDC-Form~~) L-1 Report) for each employer for ~~whic~~hem the organization will lobby.

(a) The lobbying organization will ~~include with~~attach to the registration statement a photo and the biographical information required by RCW 42.17A.605 (~~((page 3 of the L-1 Form))~~) for each individual agent of the organization who is authorized to lobby for that particular employer.

(b) If the agent is authorized to lobby for several employers, only one photo and biographical sheet need be submitted.

(c) The organization ~~must~~will notify the PDC~~commission in~~
~~writing~~^[AL46]^[SF47] when there is any change in the employment or assignment of agents who lobby.

(2) One monthly expenditure report (~~((PDC Form))~~ L-2 Report) ~~must~~shall be submitted showing all expenditures made by the organization and its agents. It is unnecessary to prorate or attribute expenditures to individual agents of the organization. However, expenditures for entertainment exceeding fifty dollars per occasion ~~must~~shall identify the individual agent(s) who were present at the occasion. The L-2 report ~~must~~shall be signed by the president or chief executive officer of the lobbying organization.

(3) If any individual agent of the organization ceases to lobby or the organization terminates that agent's authority to lobby, the

organization ~~must~~shall notify PDC in writing~~(AL48)(SF49)~~ or by make such notation on the L-2 report of the termination.

[Statutory Authority: RCW 42.17A.110 and 42.17A.125. WSR 14-15-015, § 390-20-144, filed 7/3/14, effective 12/1/14. Statutory Authority: RCW 42.17A.110. WSR 12-03-002, § 390-20-144, filed 1/4/12, effective 2/4/12. Statutory Authority: RCW 42.17.370(1). WSR 85-24-020 (Order 85-05), § 390-20-144, filed 11/26/85; WSR 81-18-043 (Order 81-03), § 390-20-144, filed 8/28/81; WSR 81-03-001 (Order 80-08), § 390-20-144, filed 1/8/81.]

AMENDATORY SECTION (Amending WSR 85-24-020, filed 11/26/85)

WAC 390-20-145 Reporting of lobbying events. (1) A meeting or other gathering of individuals for which lobbying is a purpose or reasonably foreseeable result ~~must~~shall be reportedable by or on behalf of the sponsoring person in accordance with WAC 390-20-143 and other applicable provisions of law: Provided, ~~t~~hat the executive director is authorized to ~~state in writing~~~~(AL50)(SF51)~~written guidance how all reportable information relative to a particular gathering ~~must~~shall be reported on ((~~Form~~)) the L-2 Report whenever the application of the appropriate provisions of law is unclear to the

reporting person, and this interpretation ~~must~~ shall be reviewed and approved, modified, or rejected by the commission at its next regular or special meeting^[AL52].

(2) Any other lobbyist reporting such a gathering may incorporate by reference in (~~his Form~~) their L-2 (~~a Form~~) Report, an L-2 Report which is filed on the sponsor's behalf and which reports the gathering in accordance with applicable provisions of law, including WAC 390-20-143(2) and subsection (1) of this (~~rule~~) section.

[Statutory Authority: RCW 42.17.370(1). WSR 85-24-020 (Order 85-05), § 390-20-145, filed 11/26/85. Statutory Authority: RCW 42.17.160(4) and 42.17.370(1). WSR 78-07-038 (Order 99), § 390-20-145, filed 6/26/78.]

AMENDATORY SECTION (Amending WSR 12-03-002, filed 1/4/12, effective 2/4/12)

WAC 390-20-146 Reporting of field trips and other excursions.

(1) All persons required to file reports pursuant to RCW 42.17A.615 who provide field trips or other excursions to elected and appointed officials, and other individuals required to file the Personal Financial Affairs Statement (~~(PDC Form)~~) F-1 Report ~~must~~ shall file, on the appropriate monthly L-2 or L-2 Memo Report, the identity of

persons attending the field trip or other excursion along with the date, pro rata cost, and a brief description of the field trip or other excursion.

(2) All persons required to file pursuant to RCW 42.17A.710 who attend a field trip or other excursion paid for or provided by a lobbyist, lobbyist employer, or other person paying for or providing field trips or other excursions ~~must~~shall report the date, name of the person paying for or providing the field trip or excursion, pro rata cost attributable to the filer, applicable code value, and a brief description of the field trip or other excursion as part of the F-1 statement that covers the date of the field trip or other excursion.

[Statutory Authority: RCW 42.17A.110. WSR 12-03-002, § 390-20-146, filed 1/4/12, effective 2/4/12. Statutory Authority: RCW 42.17.370(1). WSR 00-22-059, § 390-20-146, filed 10/27/00, effective 11/27/00.]

AMENDATORY SECTION (Amending WSR 14-15-015, filed 7/3/14, effective 12/1/14)

Lobbyist^[SF53] **direction or control of employer contributions.**

For purposes of RCW 42.17A.460, a lobbyist ~~will be~~ shall be deemed to be exercising direction or control over the choice of the recipient state office candidate, state official against whom recall charges have been filed or a political committee if the lobbyist:

(1) Officially decides to which state office candidates, state officials against whom recall charges have been filed or political committees the lobbyist employer or the employer's political committee contributes; or

(2) Has the ability, on ~~their~~~~his~~~~or~~~~her~~ own initiative, to execute or authorize payment of a contribution by the lobbyist employer or the employer's political committee to a state office candidate, a state official against whom recall charges have been filed or a political committee.

WAC 390-20-150 Changes in dollar amounts. Pursuant to the commission's authority in RCW 42.17A.125(~~(+2)~~) to revise the monetary reporting thresholds found in chapter 42.17A RCW to reflect changes in economic conditions, the following revisions are made^[AL54]_[SF55]:

Statutory Section	Subject Matter	Amount and Date Enacted or Last Revised	Revision Effective December 1, 2014
.600 (1)(i)	Lobbyist employer's members or funders	\$500 (1973)	\$1,450
.610(5)	Casual lobbying threshold	\$25 (1982)	\$35
.615 (2)(a)	Itemize entertainment expenditures	\$25 (1978)	\$50
.630 (2)(a)	Contributions disclosed by lobbyist employer on monthly report (L-3c)	\$100 (1990)	\$110
.635 (5)(d)(v)	Nonpublic funds spent on gifts provided by public agency	\$15 (1979)	\$25
.640(1)	Grass roots lobbying	\$500/ \$1,000 (1985)	\$700/ \$1,400

[Statutory Authority: RCW 42.17A.110 and 42.17A.125. WSR 14-15-015, § 390-20-150, filed 7/3/14, effective 12/1/14.]

REPEALER

~~The following section of the Washington Administrative Code is~~

~~repealed:~~

~~WAC 390-20-0101~~

~~Forms for lobbyist registration.~~