

Chapter 390-20 WAC
((FORMS FOR)) REPORTING LOBBYING ((REPORTS, ELECTED OFFICIALS AND LEGISLATORS)) ACTIVITIES

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 hence, unless it is terminated or suspended before that day.

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

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

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

WAC 390-20-017 Suspension of registration. A lobbyist by notifying the commission in advance in writing may temporarily suspend his or her registration for any month(s) in which no lobbying will be done, no expenditures will be made for lobbying and no compensation will be received for lobbying.

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

((b)) (2) The lobbyist may reinstate the registration by notifying the commission in writing. 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.

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

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 commission's website, www.pdc.wa.gov, and at the Commission Office, Room 206, Evergreen Plaza Building, Olympia, Washington. ((Any attachments shall be on 8-1/2" x 11" white paper.))

**WAC 390-20-020A L-2 Reporting guide.
For Entertainment, Receptions, Travel and Educational Expenditures**

<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">Itemize Expense ((Included on Line 15))?</p>	<p align="center">Give Copy of ((L-2 or)) Monthly Expense Report or Memo Report to Elected Official?</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; ° Attended by individuals other than legislators, lobbyists, and lobbyist employers; ° A social event; and ° Does not include a sit-down meal. 	((Yes))	Yes Disclose list of attendees (submitting sign-in sheet is sufficient). A per-person cost is not required	No
<input type="checkbox"/> All other receptions	((Yes))	Yes	Yes, if the food and beverage cost for the legislator and family members exceeds \$50
Travel-Related Expenditures for Officials, Employees:			
<input type="checkbox"/> Travel, lodging, meals for office-related appearance or speech at lobbyist employer's annual conference	((Yes))	Yes	Yes
<input type="checkbox"/> Travel, lodging, meals for office-related tour of lobbyist employer's manufacturing plant or other facility	((Yes))	Yes	Yes
Educational Expenditures for Officials, Employees:			
<input type="checkbox"/> Travel, lodging, meals, tuition to attend seminar sponsored by nonprofit organization	((Yes))	Yes	Yes
Other Lobbying-Related Items:			
<input type="checkbox"/> Flowers costing any amount to officials, staff and/or family	((Yes))	No	No
<input type="checkbox"/> Candy costing \$50 or less per official or employee	((Yes))	No	No
<input type="checkbox"/> Golf balls, coffee cups or other promotional items	((Yes))	No	No
<input type="checkbox"/> Fruit baskets costing \$50 or less per official or employee	((Yes))	No	No

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

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 shall notify the commission and the administrative head of the primary agency of its intentions in writing. The primary agency shall not thereafter include information for the subagency in its L-5, and shall 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 shall provide the commission with a written notice.

(b) After such an election, those who lobby on behalf of such local agency shall 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 shall provide the commission with a written notice 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 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 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.

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

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 commission's website, www.pdc.wa.gov, and at the Commission Office, Olympia, Washington. ((Any paper attachments shall be on 8-1/2" x 11" white paper.))

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

WAC 390-20-111 ((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 commission's website, www.pdc.wa.gov, and at the Commission Office, Olympia, Washington. Any attachments must be on 8-1/2" x 11" white paper.

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. 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 commission's website, www.pdc.wa.gov, and at the Commission Office, Olympia, Washington. ((Any attachments shall be on 8-1/2" x 11" white paper.))

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

WAC 390-20-125 ((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 commission's website, pdc.wa.gov, and at the Commission Office, Olympia, Washington. Any attachments shall be on 8-1/2" x 11" white paper.

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. 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 commission's website, www.pdc.wa.gov, and at the Commission Office, Olympia, Washington. Any paper attachments shall be on 8-1/2" x 11" white paper.

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 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 shall not commence enforcement proceedings against a lobbyist or 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 include 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).

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

WAC 390-20-143 Application of lobbying provisions to organizations. (1) A lobbyist other than a natural person shall be 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 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 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 shall not be regarded as compensation for this purpose. Registration statements and reports shall list as the lobbyists both the firm or organization and each individual acting on its behalf. The person paying the compensation shall report under RCW 42.17A.630 as a lobbyist's employer.

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 shall file one registration statement (~~((PDC Form))~~) L-1 Report) for each employer for whom the organization will lobby.

(a) The lobbying organization will 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 will notify the commission in writing when there is any change in the employment or assignment of agents who lobby.

(2) One monthly expenditure report (~~((PDC Form))~~) L-2 Report) 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 shall identify the individual agent(s) who were present at the occasion. The L-2 report 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 shall notify PDC in writing or by notation on the L-2 report of the termination.

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 shall be reportable by or on behalf of the sponsoring person in accordance with WAC 390-20-143 and other applicable provisions of law: Provided, That the executive director is authorized to state in writing how all reportable information relative to a particular gathering 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 shall be reviewed and approved, modified or rejected by the commission at its next regular or special meeting.

(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.

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 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 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.

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

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:

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 390-20-0101

Forms for lobbyist registration.