



## PUBLIC DISCLOSURE COMMISSION

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To: Members, Washington State Public Disclosure Commission  
From: Lori Anderson, Communications & Training Officer  
Date: September 19, 2013  
Re: Rule Making – Discussion and Possible Approval of Draft Proposed Language  
Amending Lobbyist Forms

Part of the scheduled September 26, 2013 rule making agenda is a review and possible approval of draft proposed amendments to the Lobbyist Registration (L-1 form) and Lobbyist Monthly Expense Report (L-2 form). These draft changes, highlighted in yellow, are attempts to better clarify statutory disclosure requirements.

### **WAC 390-20-0101 Forms for lobbying registration:**

The L-1 is a dual registration form submitted by a lobbyist and lobbyist employer pursuant to RCW 42.17A.600. The statute provides the L-1 shall include information “in such detail as the commission shall prescribe . . .” RCW 42.17A.600(1).

The current form, at section 8, asks whether the employer is a business or trade association or similar organization which lobbies on behalf of its members, in which case the names of members paying more than \$500 during certain time periods are disclosed. The proposed draft amendment clarifies the statutory disclosure requirement, to also include member information from “representative entities” that undertake lobbying for business groups, associations, or organizations. The statute provides:

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

RCW 42.17A.600(1)(i), emphasis added.

The staff inadvertently removed section 10 when the L-1 was last amended in 2003. That section is returned in the draft proposed amendment.

Two new subject areas – health care and technology – are inserted in section 11 in the draft proposed amendment.

**WAC 390-20-020 Forms for lobbyist report of expenditures:**

The L-2 is the report a lobbyist files at the end of each month to show compensation and employer's related expenditures. It is required under RCW 42.17A.615. The statute provides the L-2 shall be "in the form and manner prescribed by the commission" and the commission may adopt rules to vary the content of lobbyist reports to address specific circumstances, consistent with this section.

Payments for entertainment, including a food and beverage event, exceeding \$25 per occasion, must be itemized and include the "*date, place, amount, and the names of all persons taking part in the entertainment, along with the dollar amount attributable to each person, including the lobbyist's portion.*" RCW 42.17A.615(2)(a)(emphasis added). The L-2 form presently says to "show the actual amount incurred for each individual or the amount fairly attributed to each" but does not indicate that the total amount spent must be disclosed as well. Lack of clear instruction and the fact that the form has but one amount column has been confusing for lobbyists and the cause of some incomplete reports. Draft proposed amendments include more explicit instructions as well as an example.

**Commission Action:**

Staff requests the Commission approve the draft language for WAC 390-20-0101 and 390-20-020 as presented in the attachments. The draft language, as approved, will be filed with the Code Reviser and a hearing will be scheduled for the December meeting.

Staff believes it is important to have any amendments to the L-2 in effect in time for the January 2014 reporting deadline or to wait until after the 2014 session. In order to have amendments to the L-2 form in effect for the January 2014 reporting deadline under the Commission's published meeting schedule, the public hearing to consider adopting the amendments has to be scheduled in December. The hearing notice must be filed with the Code Reviser no later than October 23 at 12 noon. This means that the Commission must approve the draft language at the September meeting. 2014 is the second year of the lobbyists' two-year registration cycle, so the timing of the L-1 amendments is not critical.

Attachment: Draft language for proposed amendments to WAC 390-20-0101 and 390-20-020

# LOBBYIST REGISTRATION

**L1**  
 (1/14)

THIS SPACE FOR OFFICE USE

1. Lobbyist Name		Business Telephone Numbers Permanent (     ) Temporary (     ) Cell Phone (     ) or Pager																							
Permanent Business Address																									
City	State			Zip																					
2. Temporary Thurston County address during legislative session		E-Mail Address																							
3. Employer's name and address (person or group for which you lobby)		Employer's occupation, business or description of purpose of organization																							
4. Name and address of person having custody of accounts, receipts, books or other documents which substantiate lobbyist reports. (Person responsible for producing the lobbyist employer's annual L-3 report.)		E-Mail Address																							
5. What is your pay (compensation) for lobbying? \$ _____ per _____ (hour, day, month, year) Other: Explain:	Description of employment (check one or more boxes) <input type="checkbox"/> Full time employee <input type="checkbox"/> Part time or temporary employee <input type="checkbox"/> Contractor, retainer or similar agreement <input type="checkbox"/> Unsalaried officer or member of group <input type="checkbox"/> Sole duty is lobbying <input type="checkbox"/> Lobbying is only a part of other duties																								
6. Are you reimbursed for lobbying expenses? Explain which expenses. <input type="checkbox"/> Yes: \$ _____ per _____ <input type="checkbox"/> Yes: I am reimbursed for expenses. <input type="checkbox"/> No: I am not reimbursed for expenses.	Does employer pay any of your lobbying expenses directly? If yes, explain which ones.																								
7. How long do you expect to lobby for this organization? <input type="checkbox"/> Permanent lobbyist <input type="checkbox"/> Only during legislative session <input type="checkbox"/> Other, Explain:																									
8. Is your employer a business or trade association or organization which lobbies on behalf of its members or a representative entity which lobbies on behalf of businesses, groups, associations, or organizations? If "yes," attach a list showing the name and address of each member or funder who has paid fees, dues or other payments over \$500 during either of the past two years or is expected to pay over \$500 this year. <input type="checkbox"/> No <input type="checkbox"/> Yes. However, no member or funder has paid, pays, or is expected to pay over \$500. <input type="checkbox"/> Yes. The list is attached																									
9. Does your employer have a connected, related or closely affiliated political action committee which will provide funds for you to make political contributions including purchase tickets to fund raising events? If so, list the name of that political action committee. <input type="checkbox"/> No <input type="checkbox"/> Yes. Name of the committee is:																									
10. If lobbyist is a company, partnership or similar business entity which employs others to perform actual lobbying duties, list name of each person who will lobby. (See WAC 390-20-143 and 144 for instructions.)																									
11. Areas of interest. Lobbying is most frequent before legislative committee members or state agencies concerned with following subjects:  <table style="width:100%; border: none;"> <tr> <td style="width: 50%;">CODE SUBJECT</td> <td style="width: 50%;">CODE SUBJECT</td> </tr> <tr> <td>01 <input type="checkbox"/> Agriculture</td> <td>09 <input type="checkbox"/> Health Care</td> </tr> <tr> <td>02 <input type="checkbox"/> Business and consumer affairs</td> <td>10 <input type="checkbox"/> Higher education</td> </tr> <tr> <td>03 <input type="checkbox"/> Constitutions and elections</td> <td>11 <input type="checkbox"/> Human services</td> </tr> <tr> <td>04 <input type="checkbox"/> Education</td> <td>12 <input type="checkbox"/> Labor</td> </tr> <tr> <td>05 <input type="checkbox"/> Energy and utilities</td> <td>13 <input type="checkbox"/> Law and justice</td> </tr> <tr> <td>06 <input type="checkbox"/> Environmental affairs - natural resources - parks</td> <td>14 <input type="checkbox"/> Local government</td> </tr> <tr> <td>07 <input type="checkbox"/> Financial institutions and insurance</td> <td>15 <input type="checkbox"/> State government</td> </tr> <tr> <td>08 <input type="checkbox"/> Fiscal</td> <td>16 <input type="checkbox"/> Technology</td> </tr> <tr> <td></td> <td>17 <input type="checkbox"/> Transportation</td> </tr> <tr> <td></td> <td>18 <input type="checkbox"/> Other - Specify:</td> </tr> </table>		CODE SUBJECT	CODE SUBJECT	01 <input type="checkbox"/> Agriculture	09 <input type="checkbox"/> Health Care	02 <input type="checkbox"/> Business and consumer affairs	10 <input type="checkbox"/> Higher education	03 <input type="checkbox"/> Constitutions and elections	11 <input type="checkbox"/> Human services	04 <input type="checkbox"/> Education	12 <input type="checkbox"/> Labor	05 <input type="checkbox"/> Energy and utilities	13 <input type="checkbox"/> Law and justice	06 <input type="checkbox"/> Environmental affairs - natural resources - parks	14 <input type="checkbox"/> Local government	07 <input type="checkbox"/> Financial institutions and insurance	15 <input type="checkbox"/> State government	08 <input type="checkbox"/> Fiscal	16 <input type="checkbox"/> Technology		17 <input type="checkbox"/> Transportation		18 <input type="checkbox"/> Other - Specify:	Remarks:	
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<b>CERTIFICATION:</b> I hereby certify that the above is a true, complete and correct statement.		<b>EMPLOYER'S AUTHORIZATION:</b> Confirming the employment authority to lobby described in this registration statement.																							
12. LOBBYIST'S SIGNATURE	DATE	EMPLOYER'S SIGNATURE, NAME TYPED OR PRINTED, AND TITLE	DATE																						



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**L2**  
 1/14

PDC OFFICE USE

## Lobbyist Monthly Expense Report

(as required by Chapter 397, 1995 Session Laws)

1. Lobbyist Name					
Mailing Address					
City	State	Zip + 4	New Address? <input type="checkbox"/> Yes <input type="checkbox"/> No		
2. This report is for the period		This report corrects or amends the report for		Business Telephone	
(Month) _____ (Year) _____		(Month) _____ (Year) _____		( ) -	

ALL COMPLETE THIS PART			COMPLETE IF YOU HAVE MORE THAN ONE EMPLOYER		
Include all reportable expenditures by lobbyist and lobbyist's employer for or on behalf of the lobbyist incurred during the reporting period			Amount attributed to each employer		
Expense Category	TOTAL AMOUNT THIS MONTH All employers plus own expense (Columns a + b + c + d and attached pages)	Amounts paid from lobbyist's own funds, not reimbursed or attributed to an employer. Column A	Employer No. ____ Column B	Employer No. ____ Column C	Employer No. ____ Column D
3. COMPENSATION earned from employer for lobbying this period (salary, wages, retainer)	\$		\$	\$	\$
4. PERSONAL EXPENSES for travel, food and refreshments		\$			
5. ENTERTAINMENT, GRATUITIES, TRAVEL, SEMINARS for state officials, employees, their families (See #15)					
6. CONTRIBUTIONS to elected officials, candidates and political committees (See #16)					
7. ADVERTISING, PRINTING, INFORMATIONAL LITERATURE					
8. POLITICAL ADS, PUBLIC RELATIONS, POLLING, TELEMARKETING, ETC. (See #17)					
9. OTHER EXPENSES AND SERVICES (See #18)					
10. TOTAL COMPENSATION AND EXPENSES INCURRED THIS MONTH	\$	\$	\$	\$	\$

(Attach additional page(s) if you lobby for more than three employers.)

11. EMPLOYERS' NAMES
- No. \_\_\_\_ (B)
- No. \_\_\_\_ (C)
- No. \_\_\_\_ (D)

12. Subject matter of proposed legislation or other legislative activity or rulemaking the lobbyist was supporting or opposing.

**Subject Matter, Issue or Bill No.**                      **Legislative Committee or State Agency Considering Matter**

**Employer Represented**

Continued on attached pages

13. Of the time spent lobbying, what percentage was devoted to lobbying:    the Legislature \_\_\_\_\_%    State Agencies \_\_\_\_\_%.

**14. TERMINATION: (COMPLETE THIS ITEM ONLY IF YOU WISH TO TERMINATE YOUR REGISTRATION)**

Date registration ends: \_\_\_\_\_                      Employer's name: \_\_\_\_\_

I understand that an L-2 report is required for any month or portion thereof in which I am a registered lobbyist. I also understand that once I have terminated my registration, I must file a new registration prior to lobbying for that employer in the future. All registrations terminate automatically on the second Monday in January of each odd numbered year.

**CERTIFICATION**

I certify that this report is true and complete to the best of my knowledge.	<table style="width: 100%; border: none;"> <tr> <td style="border: none;">LOBBYIST SIGNATURE</td> <td style="border: none;">DATE</td> </tr> </table>	LOBBYIST SIGNATURE	DATE
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**CONTINUE ON REVERSE**

Lobbyist Name \_\_\_\_\_

Reporting Period \_\_\_\_\_ (Month) \_\_\_\_\_ (Year)

15. Itemize all of the following expenditures that were incurred by lobbyist or lobbyist employer(s) for legislators, state officials, state employees and members of their immediate families. **In the amount column, show the total amount spent for each occasion including any staging costs, tax, and gratuity. Also show the actual amount spent entertaining each individual, as shown in the example. When reporting a reception or similar event, show the amount fairly attributed to each individual.**
- **Entertainment expenditures exceeding \$25 per occasion** (including lobbyist's expense) for meals, beverages, tickets, passes, or for other forms of entertainment.
  - **Travel, lodging and subsistence expenses** in connection with a speech, presentation, appearance, trade mission, seminar or educational program.
  - **Enrollment and course fees** in connection with a seminar or educational program.
- Lobbyists must provide an elected official with a copy of the L-2 or Memo Report if the lobbyist reports: 1) spending on one occasion over \$50 for food or beverages for the official and/or his or her family member(s); or 2) providing travel, lodging, subsistence expenses or enrollment or course fees for the official and, if permitted, the official's family.

Date mm/dd/year	Names of all Persons Entertained or Provided Travel, etc. Include actual amounts spent for entertainment <i>Example: Sen Bow (\$32), Rep Arrow (\$28), and J. D. Lobbyist (\$36)</i>	Description, Place, etc. <i>Dinner at Anthony's, Olympia</i>	Sponsoring Employer <i>XYZ Corporation</i>	Total Amount \$ <b>\$121.41</b>
N/A Total expenses itemized on attached Memo Reports _____				

Continued on attached pages.

16. If a monetary or in-kind contribution exceeding \$25 was given or transmitted by the lobbyist to any of the following, itemize the contribution below or on a Memo Report: local and state candidates or elected officials; local and state officers or employees; political committees supporting or opposing any candidate, elected official, officer or employee or any local or state ballot proposition. If a contribution exceeding \$25 was given to the following, itemize the contribution below: a caucus political committee; a political party; or a grass roots lobbying campaign.

Date	Name of Individual or Committee Receiving Contribution	Source of Contribution	Amount \$
N/A Total contributions itemized on attached Memo Reports _____			

If contributions were made directly by a political action committee associated, affiliated or sponsored by your employer, show name of the PAC below. (Information reported by PAC on C-4 report need not be again included in this L-2 report.)

Continued on attached pages. PAC Name: \_\_\_\_\_

17. Expenditures for: a) political advertising supporting or opposing a state or local candidate or ballot measure; or b) public relations, telemarketing, polling or similar activities that directly or indirectly are lobbying-related must be itemized by amount, vendor or person receiving payment, and a brief description of the activity. Itemize each expenditure on an attached page that also shows lobbyist name and report date. Put the aggregate total of these expenditures on line 8.
18. Payments by the lobbyist for other lobbying expenses and services, including payments to subcontract lobbyists, expert witnesses and others retained to provide lobbying services or assistance in lobbying and payments for grass roots lobbying campaigns (except advertising/printing costs listed in Item 7).

Date	Recipient's Name and Address	Employer for Whom Expense was Incurred	Amount \$
N/A Total payments itemized on attached Memo Reports _____			

Continued on attached page.