

Chapter 390-20 WAC

REPORTING LOBBYING ACTIVITIES

Last Update: 12/24/19

WAC

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WAC 390-20-017 Suspension of registration. Lobbyists may temporarily suspend their registration by amending the registration 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. The amendment must be made before the beginning of the suspension period.

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

(2) The registration shall be reinstated upon the expiration of the suspension period indicated on the amended

registration, or if the lobbyist further amends the registration in advance to indicate a new date of reinstatement. The lobbyist must update any information on the registration upon reinstatement.

(3) Notification under this rule does not suspend or modify the requirement in RCW ~~42.17.150(4)~~42.17A.600(4) for a new registration each odd-numbered year.

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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">Itemize Expense?</p>	<p align="center">Give Copy of 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 \$50100 or less	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"> ◦ \$50100 or less ◦ More than \$50100, and amount attributable to legislator/family is more than \$50100 	<p align="center">No</p> <p align="center">Yes</p>	<p align="center">No</p> <p align="center">Yes</p>
<input type="checkbox"/> Tickets to theater, sporting events, etc.	Yes	No
<input type="checkbox"/> Golf outing	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; 	<p align="center">Yes</p> <p align="center">Disclose list of attendees (submitting</p>	<p align="center">No</p>

<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">Itemize Expense?</p>	<p align="center">Give Copy of Monthly Expense Report or Memo Report to Elected Official?</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. 	<p>sign-in sheet is sufficient). A per-person cost is not required</p>	
<input type="checkbox"/> All other receptions	<p align="center">Yes</p>	<p>Yes, if the food and beverage cost for the legislator and family members exceeds \$50</p>
<p>Travel-Related Expenditures for Officials, Employees:</p>		
<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>
<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>Educational Expenditures for Officials, Employees:</p>		
<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>Other Lobbying-Related Items:</p>		
<input type="checkbox"/> Flowers costing any amount to officials, staff and/or family	<p align="center">No</p>	<p align="center">No</p>
<input type="checkbox"/> Candy costing <u>\$50</u> or less per official or employee	<p align="center">No</p>	<p align="center">No</p>
<input type="checkbox"/> Golf balls, coffee cups or other promotional items	<p align="center">No</p>	<p align="center">No</p>
<input type="checkbox"/> Fruit baskets costing <u>\$50</u> or less per official or employee	<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.

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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. If a lobbyist is reporting expenditure activity of a grass roots (indirect) lobbying campaign, pursuant to RCW 42.17A.640 and WAC 390-20-125, such expenditures must be segregated and reported separately from other direct lobbying expenditures.

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WAC 390-20-052 Application of RCW 42.17A.635—Reports of agency lobbying. 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. "In-person" lobbying includes meetings through video conferencing or other remote access through an online platform or other digital medium with visual capability.

(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 notify the PDC and the administrative head of the primary agency of its intentions electronically. The primary agency does not thereafter need to include information for the subagency in its L-5, and will 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 PDC with a notice electronically.

(b) After such an election, those who lobby on behalf of such local agency must 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 must provide the PDC with notice electronically, and 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 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 i~~In-person lobbying by elected officials, officers and employees of an agency is not reportable unless and until:

(a) ~~An elected official does not engage in reportable in-person lobbying on behalf of an agency unless and until that~~ An elected official has expended in excess of ~~twenty-five dollars~~ \$100 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:

~~(i) in the aggregate, e~~Expended in excess of ~~twenty-five~~
~~dollars-\$100~~ 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, and~~

~~(b) in the aggregate, e~~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 report such elected official, officer,
or employee as a "person who lobbied this quarter" on the front
of L-5 Report and include a listing of those excess expenditures
as noted on that report.

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WAC 390-20-110 Reporting for lobbyist employers. The
official report for statement by employers of registered
lobbyists as required by RCW 42.17A.~~180-630~~ is designated "L-3."
This report is available on the PDC's website, www.pdc.wa.gov,
and at the PDC Office, Olympia, Washington.

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WAC 390-20-143 Application of lobbying provisions to

organizations. (1) A lobbyist other than an individual will be considered 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~~ \$100 for or on behalf of legislators, state elected officials, public officers or employees of the state of Washington.

(2) A lobbyist other than an individual which does sponsor or coordinate or directly make unreported expenditures exceeding ~~thirty-five dollars~~ \$100 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 report as a lobbyist, and (b) include a report of these and all other lobbying expenditures made on behalf of the individual during that three-month period as part of the L-2 Report.

(3) An entity 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 not be regarded as compensation for this purpose. Registration statements and reports must list as the lobbyists both the firm or organization and each individual acting on its behalf. The person paying the compensation must report under RCW 42.17A.630 as a lobbyist's employer.

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WAC 390-20-150 Changes in dollar amounts. Pursuant to the commission's authority in RCW 42.17A.125 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-3e)	\$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

Code Section	Subject	Value Set in Statute (and last changed)	Previous Adjusted Value in Rule (last changed in 2014)	Current Adjusted Value (effective ...2023)
42.17A.600(1)	Threshold for reporting members of a lobbyist employer entity who pay dues or fees.	\$500 (1973)	\$1,450	\$4,152 *round to \$4,000
42.17A.610(5)	Limit for "casual lobbying" exemption from registration for lobbying expenses in a three-month period.	\$25 (1982)	\$35	\$87 *round to \$100
42.17A.615(2)	Threshold for itemizing expenditures on entertainment and food or beverage for public officials.	\$25 (entertainment) (1982) \$50 (food & beverage) (1995)	\$50 n/a	\$87 \$111 *round to \$100 for both

42.17A.625	Threshold for lobbyists and lobbyist employers reporting making a last-minute contribution.	\$1,000 (2001)	n/a Note: The threshold for PAC reporting LMC's was adjusted to \$1,500 in 2023.	\$1,821 *round to \$1,500
42.17A.630(1)	Aggregate annual threshold for special report by lobbyist employers that make contributions or independent expenditures.	\$16,000/ contributions (2010) \$800/IE (2010)	\$20,000/ contributions \$1,000/IE's	\$23,440 \$1,172 *round to \$24,000 & \$1,200
42.17A.630(1)	Threshold for lobbyist employers reporting compensation paid to elected officials (or family).	\$800 (2010)	n/a	\$1,172 *round to \$1,200
42.17A.630(2)	Threshold for reporting contributions by lobbyist employers to any candidate.	\$100 (1990)	\$110	\$276 *round to \$250
42.17A.635(5) (d) (v) (B)	Limit on expenditure of nonpublic funds on behalf of any public officer in connection with agency lobbying	\$15 (1979)	\$25	\$74 *round to \$100
42.17A.640(1)	Threshold of expenditure activity for registration as a grassroots lobbying campaign.	\$500 per month (1985) \$1,000 per three-month period (1985)	\$700 \$1,400	\$1,583 \$3,166 *round to \$1,500 & \$3,000
42.17A.640(2)	Threshold for reporting the identity of contributors to a grassroots campaign.	\$25 (1985)	n/a	\$79 *round to \$100

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