

AMENDATORY SECTION (Amending WSR 20-02-062, filed 12/24/19, effective 1/24/20)

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)) 42.17A.600(4) for a new registration each odd-numbered year.

AMENDATORY SECTION (Amending WSR 20-02-062, filed 12/24/19, effective 1/24/20)

**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 ((\$50) <u>\$100</u>) 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"> ◦ ((\$50) <u>\$100</u>) or less ◦ More than ((\$50) <u>\$100</u>), and amount attributable to legislator/family is more than ((\$50) <u>\$100</u>) 	<p align="center">No Yes</p>	<p align="center">No 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; ◦ Attended by individuals other than legislators, lobbyists, and lobbyist employers; ◦ A social event; and ◦ Does not include a sit-down meal. 	<p align="center">Yes Disclose list of attendees (submitting sign-in sheet is sufficient). A per-person cost is not required</p>	<p align="center">No</p>

<p style="text-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 style="text-align: center;">Itemize Expense?</p>	<p style="text-align: center;">Give Copy of Monthly Expense Report or Memo Report to Elected Official?</p>
<input type="checkbox"/> All other receptions	<p style="text-align: center;">Yes</p>	<p style="text-align: center;">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 style="text-align: center;">Yes</p>	<p style="text-align: center;">Yes</p>
<input type="checkbox"/> Travel, lodging, meals for office-related tour of lobbyist employer's manufacturing plant or other facility	<p style="text-align: center;">Yes</p>	<p style="text-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 style="text-align: center;">Yes</p>	<p style="text-align: center;">Yes</p>
<p>Other Lobbying-Related Items:</p>		
<input type="checkbox"/> Flowers costing any amount to officials, staff and/or family	<p style="text-align: center;">No</p>	<p style="text-align: center;">No</p>
<input type="checkbox"/> Candy costing (((\$50)) \$100 or less per official or employee	<p style="text-align: center;">No</p>	<p style="text-align: center;">No</p>
<input type="checkbox"/> Golf balls, coffee cups or other promotional items	<p style="text-align: center;">No</p>	<p style="text-align: center;">No</p>
<input type="checkbox"/> Fruit baskets costing (((\$50)) \$100 or less per official or employee	<p style="text-align: center;">No</p>	<p style="text-align: center;">No</p>

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

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

WAC 390-20-025 Lobbyists expenditures—Apportionment of expenses. (1) 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. Each expenditure must be reported in sufficient itemized detail to identify the person and agency being lobbied, and the subject matter of the proposed legislation (or other legislative activity) or rulemaking that the lobbyist has been engaged in supporting or opposing. Such detail must include the identification of legislation or rule by number or citation, or title of draft if no number has been assigned. 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 activity must be reported separately from other direct lobbying expenditures.

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 also 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))~~ 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))~~ 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~~((7))~~:

(i) 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, in the aggregate,))~~; and

(ii) 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.

AMENDATORY SECTION (Amending WSR 20-02-062, filed 12/24/19, effective 1/24/20)

WAC 390-20-110 Reporting for lobbyist employers. The official report for statement by employers of registered lobbyists as required by RCW ~~((42.17.180))~~ 42.17A.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.))~~ Electronic filing is required by RCW 42.17A.055 unless the PDC executive director has granted a hardship exemption for lack of technological ability.

AMENDATORY SECTION (Amending WSR 20-02-062, filed 12/24/19, effective 1/24/20)

WAC 390-20-125 Registration and reporting by sponsors of grass roots lobbying campaigns. The official 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 report are available for download on the PDC's website, pdc.wa.gov, and at the PDC Office, Olympia, Washington. Any attachments shall be on 8-1/2" x 11" white paper.

(1) Grass roots lobbying, also known as indirect lobbying, as set forth in RCW 42.17A.640, involves an appeal to the public to solicit, urge, or encourage the public to influence legislation. Grass roots (indirect) lobbying is distinguished from direct lobbying of a legislator, state official, or state agency, which may require registration and reporting separately, pursuant to RCW 42.17A.600 and 42.17A.615.

(2) The presentation of a campaign may include any advertising displays, newspaper ads, billboards, signs, brochures, articles, tabloids, flyers, letters, radio or television presentations, digital communication, or other means of mass communication to the public. The commission will consider the definition of "mass communication," as set forth in WAC 390-05-290, as guidance in application to this section.

(a) Internal communications by a membership organization that are directed and limited to the members of that organization do not constitute lobbying, as defined under RCW 42.17A.005. The commission will use the criteria set forth under WAC 390-05-515 to assist in determining whether a communication is primarily limited to the members within an organization.

(b) The publication or dissemination of news reporting activities by working members of the press, radio, digital media, or television, where no payment for the content has been received and where payment for the space or time of such content is not normally required, is exempt from registration and reporting as provided under RCW 42.17A.610(3).

(3) The sponsor of a grass roots lobbying campaign is the person or persons making expenditures for the presentation of the campaign to the public.

(a) A lobbyist may report the campaign activities of a sponsor, who is a registered lobbyist employer, on the L-2 Report, including the same details as required pursuant to RCW 42.17A.640, and this section, only if:

(i) The sponsor did not receive any contributions for the campaign other than the sponsor's own funds, including general treasury funds;

(ii) The sponsor timely registered for the campaign pursuant to RCW 42.17A.640; and

(iii) The campaign is identified on the L-2 Report.

(b) If the campaign has more than one sponsor (for example a group or coalition of persons with each member making expenditures separately for the campaign), the sponsors must register collectively as a grass roots lobbying campaign on the L-6 Report. All activity must be reported on the L-6 Report, or in accordance with (a) of this subsection.

(4) Expenditures made on behalf of a grass roots lobbying campaign must be reported by financial category, pursuant to RCW 42.17A.640(2), with sufficient detail and itemization to provide the public a reasonable understanding of the nature and scope of the expenditure, including:

(a) Advertising - Any advertising or other form of mass communication must be segregated by media type, including:

(i) The name and address of any commercial advertiser that sold the advertising;

(ii) The quantity of each printed media distributed, or the name and location of each publication, outlet, or platform where the advertisement or communication appeared;

(iii) The date or dates that the advertising or communication was broadcast, distributed, published, or otherwise presented to the public; and

(iv) A description of the major work components or tasks that were provided by media type, in such detail as incorporated from WAC 390-18-050(7).

(b) Entertainment - Any expenditures on entertainment made in furtherance of the campaign must be reported. However, entertainment provided to or on behalf of a legislator or state official may need to be reported as direct lobbying, pursuant to RCW 42.17A.615.

(c) Office expenses - Any equipment, office space, staffing or other services purchased with campaign contributions, or used exclusively for the grass roots lobbying campaign, must be reported and itemized. If office expenses are provided exclusively by an organizational sponsor's general treasury funds, only the proportional campaign use of such office expenses must be reported as follows:

(i) The proportional amount paid or incurred by the sponsor for any employee or contractor who provides the campaign with:

(A) More than 20 hours a month on any administrative, secretarial, or other supportive staffing services; or

(B) More than five hours a month on any professional services, such as legal, accounting, management, or production; and

(ii) The purchase or rental value of any equipment or property used primarily for campaign purposes.

(d) Consultants - Any contractual or other payments made to any professional service provider, or other third party, for campaign purposes must be reported, including the name and address of the provider and a description of the services provided.

AMENDATORY SECTION (Amending WSR 20-02-062, filed 12/24/19, effective 1/24/20)

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.

AMENDATORY SECTION (Amending WSR 20-02-062, filed 12/24/19, effective 1/24/20)

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:

<u>((Statutory Section</u>	<u>Subject Matter</u>	<u>Amount and Date Enacted or Last Revised</u>	<u>Revision Effective December 1, 2014</u>
.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))

<u>Code Section</u>	<u>Subject</u>	<u>Value Set in Statute (and last changed)</u>	<u>Previous Adjusted Value in Rule (last changed in 2014)</u>	<u>Current Adjusted Value (effective ...2023)</u>
<u>42.17A.600(1)</u>	<u>Threshold for reporting members of a lobbyist employer entity who pay dues or fees</u>	<u>\$500 (1973)</u>	<u>\$1,450</u>	<u>\$4,000</u>
<u>42.17A.610(5)</u>	<u>Limit for "casual lobbying" exemption from registration for lobbying expenses in a three-month period</u>	<u>\$25 (1982)</u>	<u>\$35</u>	<u>\$100</u>
<u>42.17A.615(2)</u>	<u>Threshold for itemizing expenditures on entertainment and food or beverage for public officials</u>	<u>\$25 (entertainment) (1982)</u> <u>\$50 (food & beverage) (1995)</u>	<u>\$50</u> <u>n/a</u>	<u>\$100</u> <u>\$100</u>
<u>42.17A.630(2)</u>	<u>Threshold for reporting monthly contributions by lobbyist employer</u>	<u>\$100 (1990)</u>	<u>\$110</u>	<u>\$250</u>
<u>42.17A.635(5)(d)(v)(B)</u>	<u>Limit on expenditure of nonpublic funds on behalf of any public officer in connection with agency lobbying</u>	<u>\$15 (1979)</u>	<u>\$25</u>	<u>\$100</u>

<u>Code Section</u>	<u>Subject</u>	<u>Value Set in Statute (and last changed)</u>	<u>Previous Adjusted Value in Rule (last changed in 2014)</u>	<u>Current Adjusted Value (effective ...2023)</u>
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	\$1,500 \$3,000
42.17A.640(2)	Threshold for reporting the identity of contributors to a grassroots campaign	\$25 (1985)	n/a	\$100