

# Public Agency Lobbying

## Background

In 1972, the voters of Washington State adopted Initiative 276 by an overwhelming majority, 72 percent of the vote. That initiative, commonly known today as the Public Disclosure Act, demands that the people of the state be informed about the sources and amount of funds spent attempting to influence state decision makers. The law is administered by a five-member Public Disclosure Commission with the assistance of a full-time staff.

The law has broad reporting requirements for public and private entities that lobby at the state level with special requirements and restrictions for state and local agencies. With respect to the authority of the University of Washington to lobby state legislators, legislative staff members and state agency personnel, the law is comprehensive, specific and restrictive.

## What Is Lobbying?

Lobbying is defined as attempting to influence the passage or defeat of any state legislation (including budget proposals), or the adoption or rejection of state agency rules, standards or rates. The most common form of lobbying is face to face contact with a state legislator with the objective of influencing their action or inaction on state legislation (including budget proposals). Efforts to influence the governor's approval or veto of measures that have passed the legislature and efforts to influence legislative staff are also considered lobbying.

## Limits On Public Agency Lobbying

State agencies are granted the authority to lobby using public funds but their authority is limited generally to communicating with state officeholders on official agency business and advocating only the official position or interests of the agency.

State agencies are prohibited from:

- Engaging in "grassroots" or other indirect forms of lobbying.
- Spending public funds directly or indirectly for campaign contributions.
- Spending public funds directly or indirectly for gifts, which include meals, beverages, leisure travel, theater or sporting event tickets, art work, flowers, etc. However, state agencies may use "non-public" monies to entertain state elected officials and staff under certain conditions and limitations.
- Using public resources to support or oppose a ballot measure such as an initiative or referendum to the people.

## Reporting

All state agencies must keep detailed records concerning the amount of time employees (and private contractors retained by the agency) spend on in-person lobbying, showing what issues were lobbied and what lobbying expenditures were incurred. This information must then be periodically reported to the Public Disclosure Commission (PDC).

The Office of State Relations is designated by the University President to be in charge of compiling and completing the University's quarterly L-5 report to the PDC. This report is due by the end of the month following the close of every calendar quarter during which reportable lobbying took place (April 30, July 31, October 31 and January 31). The State Relations website contains a link to the document that should be used to report all lobbying expenditures for each quarter.

### **What Lobbying Activities Must Be Reported?**

- In person lobbying conducted by non-elected officials, employees and contract lobbyists that is directed towards state legislators and their staffs.
- Itemization of non-public fund expenditures of over \$15 spent in conjunction with the agency's lobbying program (i.e., meals, beverages, travel, theater or sporting event tickets, art work, flowers, etc.).
- The L-5 report must disclose the date of lobbying, the name and title of the person engaging in lobbying activity, the subject of the lobbying and all costs associated with lobbying including wages, travel expenses, and relevant entertainment expenses.
- Expenditures on publications associated with lobbying.
- Expenditures of consultants or contractors employed by the agency to assist in lobbying activities.

### **What Lobbying Activities Are NOT Reportable?**

- Budget requests to the Office of Financial Management.
- Recommendations or reports to the legislature in response to a legislative request.
- Official reports required by law.
- Communications between or within state agencies.
- Telephone conversations with legislators or legislative staff.
- Monitoring legislative or agency meetings and hearings.
- Preparation of written or electronic correspondence.
- Preparation or adoption of policy positions within an agency or group of agencies.
- Attempts to influence the interpretation or application of an existing state rule or policy.
- Attempts to influence federal or local legislation.
- In person lobbying on behalf of the agency amounting to no more than four days or parts thereof during any three month period (that's an aggregate total for everyone who lobbies on behalf of the agency), assuming no more than \$15 of non-public money was spent, in total, on state officeholders and staff;
- All in-person lobbying done by an elected official, except if the official spends over \$15 of non-public money on state officeholders or staff.
- All attempts to influence federal or local legislation.

*For more information about public agency lobbying, please visit the Public Disclosure Commission website at:*

<http://www.pdc.wa.gov/filerassistance/notices/sppubfunds.asp>