

**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) In-person lobbying by elected officials, officers and employees of an agency is not reportable unless and until:

(a) An elected official has expended in excess of \$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 pub-

lic 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 have, in the aggregate:

(i) Expended in excess of \$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; 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.

[Statutory Authority: RCW 42.17A.110, 42.17A.125, 42.17A.615, and 42.17A.640. WSR 24-01-028, § 390-20-052, filed 12/8/23, effective 1/8/24. Statutory Authority: RCW 42.17A.110(1), 2019 c 428, and 2019 c 261. WSR 20-02-062, § 390-20-052, filed 12/24/19, effective 1/24/20. Statutory Authority: RCW 42.17A.110 and 42.17A.125. WSR 14-15-015, § 390-20-052, filed 7/3/14, effective 12/1/14. Statutory Authority: RCW 42.17A.110. WSR 12-03-002, § 390-20-052, filed 1/4/12, effective 2/4/12. Statutory Authority: RCW 42.17.370(1). WSR 96-05-001, § 390-20-052, filed 2/7/96, effective 3/9/96. Statutory Authority: RCW 42.17.390. WSR 94-11-016, § 390-20-052, filed 5/5/94, effective 6/5/94. Statutory Authority: 42.17.370. WSR 91-16-072, § 390-20-052, filed 8/2/91, effective 9/2/91. Statutory Authority: RCW 42.17.370(1). WSR 85-24-020 (Order 85-05), § 390-20-052, filed 11/26/85; WSR 80-02-055 (Order 80-01), § 390-20-052, filed 1/17/80.]