

AGENCY LOBBYING – AN OVERVIEW

Definition. “Lobbying means” an attempt to influence

- the passage or defeat of any legislation by the Legislature
- or the adoption or rejection of any rule, standard, rate or other legislative enactment of a state agency
- the Governor's actions on legislation that has passed both houses

Permissible Activities. Public funds (including Board expense funds) may be used for lobbying only as expressly authorized by law:

- to provide information or communicate on matters pertaining to official agency business to any elected official or officer or employee of any agency
- to advocate the official position or interests of the agency to any elected official or officer or employee of any agency:

Expenditures aside, board members and staff may also:

- communicate with a member of the legislature on the request of that member
- communicate to the legislature, through the proper official channels, requests for legislative action or appropriations which are deemed necessary for the efficient conduct of the public business or actually made in the proper performance of their official duties:

How, When, and Where. All lobbying done must be accomplished within the established channels of the Legislature, e.g., testifying at hearings, contacting legislators and staff, etc.

For public agencies, lobbying does *not* include

- Recommendations or reports to the Legislature in response to a legislative request, expressly requesting or directing a specific study, recommendation, or report on a particular subject.
- Official reports including recommendations submitted annually or biennially by a state agency as required by law.
- Requests, recommendations, or other communications between or within local or state agencies
- Telephone conversations or preparation of written correspondence; thus, only in-person contact, including testifying at hearings, are considered lobbying.
- Preparation or adoption of policy positions within an agency or groups of agencies;

Quarterly Reporting. An agency that lobbies must submit quarterly reports of lobbying expenditures and efforts during each calendar quarter.

SOURCES: RCW 42.17.190; GOVERNOR'S BOARDS AND COMMISSIONS MEMBERSHIP HANDBOOK; PUBLIC DISCLOSURE COMMISSION WEB PAGE (WWW.PDC.WA.GOV)

TESTIFYING AT HEARINGS

(FROM BOARDS AND COMMISSIONS MEMBERSHIP HANDBOOK)

Board members often have an opportunity to testify at legislative, local government, or community committee hearings. When providing testimony on behalf of the board, members should refrain from expressing personal opinions. It is helpful if legislative staff members receive copies of written testimony prior to the hearing.

Effective Testimony. To provide effective testimony, members should keep the following guidelines in mind:

- All testimony should be brief, concise, and honest.
- Avoid reading lengthy written testimony; instead, orally highlight important points in the written report.
- If others are offering similar testimony, try to coordinate information to avoid repetition.
- Avoid being too technical.
- Be prepared to answer questions and comments by committee members. If you are unable to answer a question, offer to provide a written response later and always follow through.
- If you must give a personal opinion, make sure that the committee understands that you are not speaking for the board, but for yourself.

When Testifying Becomes Lobbying. Providing testimony is not a form of lobbying if it is done on behalf of the board and at the request of the committee.

- Testimony provided by individuals outside of board activities and for personal interest may be considered lobbying; therefore, the individual may have to register with the PDC.
- For specific applicability, contact the PDC or refer to chapter 42.17 RCW.
- Providing testimony may be deemed lobbying if a board member is visibly advocating an issue.
- Any contact with committee members or legislative employees after a hearing regarding testimony may be considered lobbying and consequently must be reported to chapter 42.17 RCW.