



Referendum Bill 24

CHAPTER 82, LAWS OF 1972
(42nd Leg., 2nd Ex. Session)

NOTE: New special toll-free telephone service offered to voters requesting in-depth information on state measures. See page 5 for details.

Lobbyists—Regulation, Registration and Reporting

AN ACT regulating legislative lobbying; amending a prior 1967 act relating thereto; continuing to require registration of lobbyists but specifically defining lobbying as attempting to influence, through direct contact with state legislators, the passage or defeat of any legislation; requiring lobbyists to file itemized and detailed reports of lobbying expenditures during legislative sessions; transferring general responsibility for enforcement from the attorney general to the Senate and House Boards of Ethics; authorizing these boards to direct the attorney general to exercise certain enforcement powers; and replacing present criminal penalties with civil remedies including damages and injunctions against lobbyists and other violators.

Vote cast by members of the 1972 Legislature on final passage:

HOUSE: (99 members) Yeas, 81; Nays, 4; Absent or not voting, 14.
SENATE: (49 members) Yeas, 46; Nays, 1; Absent or not voting, 2.

Statement for

Referendum 24 is a realistic, yet stringent answer to the need for registering lobbyists—individuals who professionally attempt to influence legislation.

Vote FOR Referendum 24—AGAINST Initiative 276 because:

1) Referendum 24 is a most meaningful, yet workable regulation of legislative lobbyists. Yet Referendum 24 does not create the "impossible" record-keeping and bookkeeping entries required by Initiative 276.

2) Under the provisions of this act, the term "lobbyist" means any person, including any public employee, who shall lobby either on his own or on another's behalf. This provision will have the effect of identifying public funds used by public employees for lobbying purposes and will also indicate the extent of the lobbying by various employees of state and local government in an effort to promote the passage or defeat of legislation which is in their interest. Under existing law, public employees are permitted to lobby (normally at taxpayers' expense) without disclosing themselves as lobbyists. At the same time, citizens acting without compensation therefor, who wish to contact their legislators personally or by any other means of communication are completely protected in exercising this basic right of citizenship.

3) The Senate and House Boards of Ethics, established by law and consisting of eight legislators and eight non-legislators, will enforce the provisions of this act, with the Attorney General retaining certain investigatory powers.

4) The measure provides for simplified and centralized registration of lobbyists with the office of the code reviser. The code reviser is required to publish a record of these regis-

trations every week for public inspection. The code reviser has access to legislative computer systems which will better enable him to keep accurate and centralized records of the activities of lobbyists. The required records are filed with the Secretary of State for a period of three years and are available for public inspection.

5) Referendum 24 is a workable approach to a complex problem. Unlike Initiative 276 which appears to be clearly subject to constitutional challenge, Referendum 24 will immediately institute needed controls and regulation of lobbying activities.

Committee appointed to compose statement FOR Referendum Bill No. 24:

JAMES P. KUEHNLE, State Representative, Spokane; DAMON R. CANFIELD, State Senator, Sunnyside.

The Law as it now exists:

Legislative lobbying is now regulated by a 1967 law. Under this law, any person, hired for the purpose of influencing legislation, must register with each house of the legislature. A number of legislative activities are expressly exempted.

The registration must include certain written documentation concerning the lobbyist, his employers, and his employment. In addition, lobbyists must file a statement, within sixty days after the session, reporting total contributions and lobbying expenses. General living and travel expenses are not included. The statement is a public record but is not itemized or detailed.

Present law prohibits lobbying agreements which make the lobbyist's compensation dependent upon his success.

The law imposes criminal penalties, allows private civil actions for damages, and prohibits persons convicted of violations from acting as lobbyists for ten years. The attorney general is required to enforce the act and to prosecute violations, or delegate that responsibility to an appropriate prosecuting attorney.

Effect of Ref. Bill No. 24 if approved into Law:

Referendum No. 24 would amend certain sections of existing law, repeal certain sections, and add new provisions. It would define "lobbying" as "attempting to influence, through direct contact with any legislator, the passage or defeat of any legislation by the legislature." Any lobbyist, before lobbying, would have to file with the code reviser a registration statement for each

of his employers. This statement, as under present law, would have to provide information concerning the lobbyist, his employer and employment, and new information regarding custodianship of records. Changes in information would be reported weekly. Current lists of lobbyists and their employers would be published each week.

The act would redefine and clarify exempted activities. Lobbyists would have to file detailed reports of lobbying expenses. Unlike present law, Referendum 24 would require a breakdown of reported expenditures according to financial categories. Furthermore, every contribution, to or for a legislator, and each individual expenditure of more than \$25 for entertainment, would have to be itemized and reported.

Referendum 24 would require registration of state employees who lobby and every legislator would be given a list containing the names and other information pertaining to such persons.

Referendum 24 would continue to prohibit presently unlawful contingent fee agreements and would impose record-keeping requirements and other restrictions on lobbyists.

Primary responsibility for enforcement of Referendum 24 would be vested in the existing Senate and House Boards of Ethics. Either board could cause the attorney general to investigate possible violations and the attorney general then would have broad investigatory and subpoena powers. The attorney general's reports and recommendations would be filed with the joint board of ethics which, on finding that a lobbyist had violated the act, could suspend his registration after notice and hearing. The joint board could direct the attorney general to bring certain civil actions, including suits to re-

(Continued on Page 108)

NOTE: *Ballot title and the above explanatory comment were written by the Attorney General as required by state law. Complete text of Referendum Bill No. 24 starts on Page 66.*

Statement against

The case against Referendum 24 is made by comparing it to Initiative 276. The initiative, sponsored by the Coalition for Open Government, is tough and thorough. Referendum 24, passed by the legislature and referred to the people, has loopholes that would fail to disclose how lobbying influences our elected officials.

Ref. 24 fails to apply When The Legislature is not in Session

High powered lobbying groups are busy on a full-time basis. In fact, some of the most active lobbying takes place immediately before legislative sessions and during campaigns. Initiative 276 applies year-around. Ref. 24 applies only during the legislative sessions.

Ref. 24 fails to Disclose the Lobbying of Administrative Agencies

Administrative agencies make many of the decisions most important to the public. The Utilities and Transportation Commission sets rates on telephone, electricity, auto freight, etc. The Liquor Control Board manages a \$180 million business. Groups that lobby these agencies should report. Initiative 276 requires reporting. Ref. 24 does not.

Ref. 24 fails to Disclose Financial Transactions Between Elected Officials and Employees of Lobbyists

Many such transactions are legitimate, but they can also be used to influence government. Initiative 276 requires reporting. Ref. 24 does not.

Ref. 24 fails to Deal with State Agencies Which Lobby the Legislature

This lobbying often results in inflated budgets and high taxes. Initiative 276 controls this lobbying and requires reporting. Ref. 24 does not.

Most lobbying is conducted by people who are knowledgeable and ethical, and they provide information valuable to the governmental process. But complete reporting is needed to eliminate those who attempt to manipulate our government. In addition, in order to judge the performance of our elected officials, the public must know how they are influenced.

If both Initiative 276 and Ref. 24 pass, we will have conflicting laws. The initiative is a far stronger measure. If you believe in open government, vote for Initiative 276 and against Referendum 24.

Committee appointed to compose statement AGAINST Referendum Bill No. 24:

JOHN RABEL, State Representative; JONATHAN WHETZEL, State Senator; DONN CHARNLEY, State Representative.

Advisory Committee: MRS. MARIANNE NORTON, State Legislative Chairman, American Association of University Women; MRS. JOCELYN MARCHISIO, President, League of Women Voters of Washington; DOUGLASS RAFF, Director, Washington Environmental Council; LOREN ARNETT, Washington State Council of Churches.

1972 (42nd Leg. 2nd Ex. Sess.) and Referendum Bill No. 25 are each hereby repealed.

EXPLANATORY COMMENT

Initiative Measure No. 276 filed in the office of the Secretary of State as of March 29, 1972.

Sponsor filed 162,782 supporting signatures as of July 6, 1972.

Signatures found sufficient. Measure then certified to the November 7, 1972 state general election for approval or rejection by the voters.

COMPLETE TEXT OF

Referendum Bill 24

CHAPTER 82, LAWS OF 1972

(42nd Leg., 2nd Ex. Session)

Ballot Title as issued by the Attorney General:

Lobbyists—Regulation, Registration and Reporting

AN ACT regulating legislative lobbying; amending a prior 1967 act relating thereto; continuing to require registration of lobbyists but specifically defining lobbying as attempting to influence, through direct contact with state legislators, the passage or defeat of any legislation; requiring lobbyists to file itemized and detailed reports of lobbying expenditures during legislative sessions; transferring general responsibility for enforcement from the attorney general to the Senate and House Boards of Ethics; authorizing these boards to direct the attorney general to exercise certain enforcement powers; and replacing present criminal penalties with civil remedies including damages and injunctions against lobbyists and other violators.

LEGISLATIVE TITLE
(Sub. House Bill No. 341)

LEGISLATIVE LOBBYING

AN ACT relating to legislative lobbying; providing for the registration and regulation of lobbyists; amending section 3, chapter 150, Laws of 1967 ex. sess. and RCW 44.60.030; amending section 1, chapter 131, Laws of 1967 ex. sess. and RCW 44.64.010; amending section 2, chapter 131, Laws of 1967 ex. sess. and RCW 44.64.020; amending section 3, chapter 131, Laws of 1967 ex. sess. and RCW 44.64.030; amending section 4, chapter 131, Laws of 1967 ex. sess. and RCW 44.64.040; amending section 6, chapter 131, Laws of 1967 ex. sess. and RCW 44.64.060; adding new sections to chapter 131, Laws of 1967 ex. sess. and to chapter 44.64. RCW; repealing section 5, chapter 131, Laws of 1967 ex. sess. and RCW 44.64.050; and providing for a referendum.

BE IT ENACTED, by the Legislature
of the State of Washington:

Section 1, Section 1, chapter 131, Laws of 1967 ex. sess. and RCW 44.64.010 are each amended to read as follows:

When used in this chapter:

~~(1) The term "contribution" includes a gift, subscription, loan, advance or deposit of money or anything of value and includes a contract, promise or agreement, whether or not legally enforceable, to make a contribution, given with the intent of influencing the passage or defeat of any pending or proposed legislation;~~

~~(2) The term "expenditure" includes a payment, contribution, subscription, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise or agreement, whether or not legally enforceable, to make an expenditure(.);~~

~~(3) The term "person" includes an individual, partnership, committee, association, corporation, and any other organization or group of persons. The term does not include a member or member-elect of either house of the state legislature, an elected state officer nor a gubernatorial appointee to a position requiring confirmation by the senate;~~

~~(4) The term "legislation" means bills, resolutions, amendments, motions, nominations, and other matters pending or proposed in either house or any committee of the legislature;~~

~~The terms "lobby" and "lobbying" each mean attempting to influence, through direct contact with any legislator or legislators, the passage or defeat of any legislation by the legislature;~~

~~The term "lobbyist" means any person, including any public employee, who shall lobby either on his own or another's behalf;~~

~~The term "lobbyist's employer" means the person or persons by whom or on whose behalf the lobbyist is employed, and all persons by whom he is compensated for acting as a lobbyist;~~

~~The term "code reviser" means the person so designated under the provisions of chapter 1.08 RCW;~~

~~The terms "senate board of ethics" and "house board of ethics" mean the boards designated and defined in RCW 44.60.010;~~

~~The term "prescribed form" means a form prescribed by the joint board of ethics.~~

Sec. 2. Section 2, chapter 131, Laws of 1967 ex. sess. and RCW 44.64.020 are each amended to read as follows:

~~(1) Any person who shall be engaged for pay or for any consideration for the purpose of attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington or the approval or veto of any legislation by the governor of the state of Washington shall register with the president of the senate and the speaker of the house before doing anything in furtherance of such object and shall give to such officers in writing and under oath a statement. Before doing any lobbying a lobbyist shall register by filing with the code reviser a lobbyist registration statement executed under oath on a prescribed form, for each of his employers, showing:~~

~~(a) Name ~~and~~ permanent business address, and business address during the legislative session;~~

~~(b) Name and address of the ~~person or persons by whom he is employed and in whose interest he appears or works and by whom he is compensated~~ lobbyist's employer;~~

~~(c) The duration of such employment;~~

~~(d) If employed as a lobbyist, whether he is paid on a permanent basis with a lobbying assignment as a partial, temporary or incidental part of his duties, or whether his compensated employment is solely for lobbying purposes;~~

~~(e) A written authorization from ~~each person by whom he is so employed~~ the lobbyist's employer confirming such employment;~~

(f) Name and address of the person, if other than the lobbyist or his employer, who will have custody of the accounts, bills, receipts, books, papers, and documents required to be kept by section 7 of this 1972 amendatory act;

(g) The general area or areas of his legislative interest.

~~(2) ((In addition, any person as described in subsection (1) above shall similarly file not later than sixty days after the adjournment of each regular and extraordinary session of the legislature a statement which shall contain the total of all contributions and expenditures made, incurred, or expended for the purposes described in this section exclusive of personal living and travel expenses. PROVIDED, HOWEVER, That when an extraordinary session follows immediately after a regular session such statement shall be filed not later than sixty days after the adjournment of the extraordinary session.))~~

~~(3) Each statement required by this section shall be made on forms agreed upon by the president of the senate and the speaker of the house, a duplicate copy of which shall be filed with and preserved by the secretary of state for a period of three years as a public record open to public inspection.)) On each Friday that the legislature is in session, the code reviser shall publish a list of the names of all lobbyists whose registration is then in effect and the names and addresses of the lobbyists' employers, and shall deliver a copy of this list to the governor, the president of the senate, the speaker of the house, the attorney general, the secretary of state, and the president of the capital correspondents' association.~~

~~(3) Whenever a change, modification, or termination to the lobbyist's employment occurs, the lobbyist shall within one week of such change, modification, or termination furnish full information regarding the same by filing with the code reviser an amended registration statement.~~

~~(4) The registration of all lobbyists shall terminate with the adjournment of the legislative session for which the lobbyist has registered: PROVIDED, HOWEVER, That the registration of all lobbyists shall continue in effect through the duration of any regular or extraordinary session convened not more than ten days following the adjournment of any regular or extraordinary session of the legislature.~~

Sec. 3. Section 3, chapter 131, Laws of 1967 ex. sess. and RCW 44.64.030 are each amended to read as follows:

The following activities shall not be deemed to require compliance with ~~(RCW 44.64.020)~~ sections 2, or 7(1) of this 1972 amendatory act:

~~(1) ((The activities or appearance of a person promoting or opposing the passage of any legislation or its approval or veto by the governor, in his own behalf and not as a representative, agent or employee of another person)) Lobbying without compensation or other consideration by a person in his own personal behalf, or as a member of a business, profession, occupation, or other group where no different benefit or detriment will accrue to that person because of his membership than will accrue to any other member of such business, profession, occupation, or group;~~

~~(2) Providing professional services in the drafting of legislative measures or in advising ~~((clients))~~ and rendering opinions to clients as to the construction and effect of proposed or pending legislation ((, or in communicating with members of the legislature or the governor in connection therewith);~~

~~(3) Appearing or testifying ~~((before a))~~ at a meeting of any committee of the legislature in support of or in opposition to any legislation;~~

~~(4) ~~((Giving testimony at committee hearings upon the request of the legislature or a committee or a member thereof;~~~~

~~(5) Giving testimony or contracting legislators by government employees as a part of their official duties;~~

~~or~~

~~(6)) News or feature reporting activities by working members of the press, radio, or television; PROVIDED, HOWEVER, That any member of the press, radio, or television who~~

shall lobby shall register and be subject to all provisions of this chapter; or

~~(5) Communication, orally or in writing, to a legislator in response to an inquiry received from such legislator.~~

Sec. 4. Section 4, chapter 131, Laws of 1967 ex. sess. and RCW 44.64.040 are each amended to read as follows:

No agreement to ~~((accomplish any purpose set forth in RCW 44.64.020))~~ lobby shall be enforceable and no action shall be brought thereon where payment of all or any part of the compensation under said agreement depends in any manner upon the passage or defeat or executive approval or veto of any legislation, or upon any other contingency in connection with legislation: PROVIDED, That this section shall not apply to those agreements made between attorney and client in connection with claims against the state of Washington.

Sec. 5. Section 6, chapter 131, Laws of 1967 ex. sess. and RCW 44.64.060 are each amended to read as follows:

The ~~((attorney general))~~ senate board of ethics and house board of ethics shall enforce the provisions of this chapter ~~((and shall prosecute, or may delegate to the appropriate prosecuting attorney the prosecution of all violations of this chapter: PROVIDED, That this section shall not preclude actions for the recovery of damages.))~~ Each board shall have the following powers, duties, and functions:

~~(1) The boards jointly, shall adopt procedural rules and guidelines for processing complaints and notifications of violations including, but not limited to, rules for the preservation of confidentiality when necessary and in the public interest.~~

~~(2) Upon the written complaint of any person who has reason to believe that there is or has been a violation of this 1972 amendatory act, or whenever in the board's judgment the public interest requires, either board may cause the attorney general to investigate the activities of any lobbyist or other person when there is reason to believe he is or has been acting in violation of this 1972 amendatory act.~~

~~(3) When the attorney general investigates any lobbyist or other person as directed by either the senate board of ethics or house board of ethics he may require any such person or any other person reasonably believed to have information concerning the activities of such person to appear at a time and place designated by the attorney general in the county in which such person resides or is found, to give such information under oath and to produce all accounts, bills, receipts, books, papers, and documents related to the expenditures statement required by section 7 of this 1972 amendatory act. When the attorney general requires the attendance of any person to obtain such lobbying information or the production of the lobbyist's accounts, bills, receipts, books, papers, and documents required to be preserved by section 7 of this 1972 amendatory act, he shall issue an order setting forth the time when and the place where attendance is required and shall cause the same to be delivered to or sent by registered mail to the person at least fourteen days before the date fixed for attendance. Such order shall have the same force and effect as a subpoena, shall be effective state-wide, and, upon application of the attorney general, obedience to the order may be enforced by any superior court judge in the county where the person receiving it resides or is found, in the same manner as though the notice were a subpoena. The court, after hearing, for good cause, and upon application of any person aggrieved by the order, shall have the right to alter, amend, revise, suspend, or postpone all or any part of its provisions. In any case where the order is not enforced by the court according to its terms, the reasons for the court's actions shall be clearly stated in the record, and shall be subject to review by the appellate courts by certiorari or other appropriate proceeding.~~

~~(4) As soon as practical, the attorney general shall submit his report and recommendations to the joint board of ethics as to whether in his opinion the preponderance of evidence is that a lobbyist has violated or is violating any provisions of this 1972 amendatory act.~~

(5) The joint board of ethics may revoke or suspend the registration of any lobbyist who, it finds has violated or is violating any provision of this 1972 amendatory act. Before revoking or suspending any registration under this subsection, the joint board shall give the lobbyist reasonable notice of its intention regarding his registration, and shall, if requested by him, conduct a hearing on the issue of the revocation or suspension of his registration.

(6) When the joint board of ethics has reason to believe that a lobbyist has violated or is violating any provision of this 1972 amendatory act, it may direct the attorney general to bring a civil action to revoke such lobbyist's registration and enjoin his lobbying activities. A lobbyist whose registration is revoked shall be enjoined from all lobbying activities for a period of not less than two years: PROVIDED, HOWEVER, That revocation of a lobbyist's registration does not excuse said lobbyist from filing the statements required under section 7 of this 1972 amendatory act.

(7) When the joint board of ethics has reason to believe that a lobbyist, without good cause, has failed to file any statement required by section 7 of this 1972 amendatory act, or has filed any such statement reporting less than the amount required to be reported, it may direct the attorney general to bring an action in the name of the state to require the filing of the required statement or information. If the state prevails in such action and the court finds that the lobbyist wilfully and knowingly violated the provisions of said section 7 then there may be awarded as a judgment to the state for its general fund an amount not more than treble the amount the lobbyist failed to report in violation of this 1972 amendatory act. In the event the lobbyist reported less than the amount required under the provisions of this 1972 amendatory act, then the amount he "failed to report", for purposes of computing damages, shall be the difference between the amount required to be reported and the actual amount reported. The court may, in addition, award to the state all costs of investigating and trial, including a reasonable attorney's fee to be fixed by the court. The registration of any lobbyist may be revoked under subsection (6) of this section if his violation of section 7 is found to have been intentional. If damages are awarded in such action, the judgment may be awarded against the lobbyist, the lobbyist's employer or employers joined as defendants, jointly, severally, or both.

(8) The senate board of ethics or house board of ethics may by general rule authorize the attorney general to serve written notice upon any person whenever the attorney general has reason to believe that person is or has been violating section 2 of this 1972 amendatory act by carrying on lobbying activities without having registered, which notice shall direct such person to respond within twenty-four hours of receipt of such notice and show cause why he should not register or be enjoined from all lobbying activities. An action to enjoin such person's lobbying activities may be brought by the attorney general at the direction of the joint board of ethics if the person does not register or the attorney general does not receive a satisfactory response as directed.

(9) The senate board of ethics, the house board of ethics, and the joint board of ethics may employ attorneys who are neither the attorney general nor an assistant attorney general to carry out any function of the attorney general prescribed in this section.

NEW SECTION. Sec. 6. There is added to chapter 131, Laws of 1967 ex. sess. and to chapter 44.64 RCW a new section to read as follows:

The powers and duties of the attorney general pursuant to this 1972 amendatory act shall not be construed to limit or restrict the exercise of his power or the performance of his duties under any other provision of law.

NEW SECTION. Sec. 7. There is added to chapter 131, Laws of 1967 ex. sess. and to chapter 44.64 RCW a new section to read as follows:

(1) Each lobbyist registered according to section 2 of this 1972 amendatory act shall file with the code reviser not later than sixty days after the expiration of his lobbyist registration, whether by termination of employment or adjournment of any session of the legislature, a complete and detailed statement upon a prescribed form showing:

The totals of all expenditures made or incurred by or on behalf of such lobbyist during the legislative session, which totals shall be segregated according to financial category, including but not limited to the following: (a) Entertainment, including food and refreshments; (b) advertising; (c) contributions; and (d) other expenses or services: PROVIDED, HOWEVER, That a lobbyist's personal living and travel expenses and the expenses incidental to establishing and maintaining an office in connection with lobbying activities need not be reported, and no expenditure which is properly reported as a campaign contribution under any other law of this state enacted after January 1, 1972, shall be reported under this 1972 amendatory act: PROVIDED, FURTHER, That all contributions made to, or for the benefit of, any legislator shall be identified by date, amount, and the name of the legislator receiving, or to be benefited by, each such contribution. Each individual expenditure of more than twenty-five dollars for entertainment shall be identified by date, place, amount, and the names of all persons in the group partaking in or of such entertainment including any portion thereof attributable to the lobbyist's participation therein but without allocating any portion of such expenditure to individual participants.

The reporting period of the statement required by this subsection shall be the duration of each legislative session: PROVIDED, HOWEVER, That when a regular or extraordinary session convenes not more than ten days following the adjournment of any regular or extraordinary session, the reporting period of the statement required by this subsection shall be the combined duration of such sessions.

(2) Within ninety days after the termination of all lobbyist registrations by the adjournment of the legislature, the code reviser shall publish a report showing each person who has registered as a lobbyist since the last such report, and shall deliver a copy of such report to the governor, the president of the senate, the speaker of the house, the president of the capitol correspondents' association, the attorney general and the secretary of state. The report shall contain:

(a) The lobbyist's name and permanent address;

(b) The name and address of all employers listed by such lobbyist;

(c) The total of all expenditures by category reported by such lobbyist.

The secretary of state shall file and preserve such report for a period of three years as a public record open to public inspection.

NEW SECTION. Sec. 8. There is added to chapter 131, Laws of 1967 ex. sess. and to chapter 44.64 RCW a new section to read as follows:

Any employee of the governor's office or of any other state funded activity, agency, or department engaged in lobbying activities shall be registered with the code reviser's office.

A list of such people shall be provided each legislator showing the name, age, address, salary, agency represented, education, previous employment, and areas they claim expertise in.

NEW SECTION. Sec. 9. There is added to chapter 131, Laws of 1967 ex. sess. and to chapter 44.64 RCW a new section to read as follows:

Each lobbyist's registration form, following the first publication thereof as required in section 2 (2) of this 1972 amendatory act, and each lobbyist's statement of expenditures, following publication as required in section 7 (2) of this 1972 amendatory act, shall be delivered by the code reviser to the secretary of state who shall file and preserve such documents

for a period of three years as a public record open to public inspection.

NEW SECTION. Sec. 10. There is added to chapter 131, Laws of 1967 ex. sess. and to chapter 44.64 RCW a new section to read as follows:

A lobbyist has the following obligations, the violation of which shall constitute cause for revocation of his registration, and may subject the lobbyist, and the lobbyist's employer if such employer aids, abets, ratifies, or confirms any such act of the lobbyist, to other civil liabilities, as provided by this 1972 amendatory act.

A lobbyist shall obtain and preserve all accounts, bills, receipts, books, papers, and documents necessary to substantiate the financial reports required to be made under this 1972 amendatory act for a period of at least two years from the date of the filing of the statement containing such items: PROVIDED, That if the lobbyist is required under the terms of his employment contract to turn any records over to his employer, responsibility for the preservation of such records under this subsection shall rest with such employer.

In addition, a lobbyist shall not:

(1) Engage in any activity as a lobbyist in any session before registering as such;

(2) Knowingly deceive or attempt to deceive any legislator as to any fact pertaining to any pending or proposed legislation;

(3) Cause or influence the introduction of any bill or amendment thereto for the purpose of thereafter being employed to secure its defeat;

(4) Knowingly represent an interest adverse to any of his employers without first obtaining such employer's written consent thereto after full disclosure to such employer of such adverse interest.

(5) Exercise any undue influence, extortion, or unlawful retaliation upon any legislator by reason of such legislator's position with respect to, or his vote upon, any pending or proposed legislation.

Sec. 11. Section 3, chapter 150, Laws of 1967 ex. sess. and RCW 44.60.030 are each amended to read as follows:

The jurisdiction of the respective boards of ethics created by this chapter shall be strictly limited to the consideration of the conduct of the members of its own house ~~and~~ the conduct of employees of its own house, and the activities of legislative lobbying regulated under chapter 44.64 RCW.

NEW SECTION. Sec. 12. Section 5, chapter 131, Laws of 1967 ex. sess. and RCW 44.64.050 are each repealed.

NEW SECTION. Sec. 13. Any person damaged by reason of any violation of the provisions of this 1972 amendatory act by any person may maintain an action against such person. If damages are awarded in such action a reasonable attorney's fee may also be allowed by the court.

NEW SECTION. Sec. 14. The enactment of this 1972 amendatory act shall not have the effect of terminating, or in any way modifying, any liability, civil or criminal, which shall already be in existence at the date this act becomes effective. Nothing in this 1972 amendatory act shall be construed to in any way limit the power of the senate and house of representatives, or either of them, to adopt additional or supplementary rules regarding lobbying activities nor limit the right of any person to recover damages from any other person on account of any violation of this 1972 amendatory act.

NEW SECTION. Sec. 15. If any provision of this 1972 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 16. The rule of strict construction shall not be applied to the operation of this act, and this act shall be liberally construed to carry out the purposes hereof.

NEW SECTION. Sec. 17. This 1972 amendatory act shall be submitted to the people for their adoption and ratification, or rejection, at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1972, in accordance with the provisions of section 1, Article II of the state Constitution, as amended, and laws adopted to facilitate the operation thereof.

Passed the House February 20, 1972.

Passed the Senate February 19, 1972.

Received directly from the office of Chief Clerk, House of Representatives, and filed February 22, 1972 in the office of the Secretary of State.

A. LUDLOW KRAMER, Secretary of State

COMPLETE TEXT OF

REFERENDUM BILL

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CHAPTER 98, LAWS OF 1972

(42nd Leg., 2nd Ex. Session)

Ballot Title as issued by the Attorney General:

Regulating Certain Electoral Campaign Financing

AN ACT regulating certain electoral campaign contributions and expenditures; requiring organizational statements to be filed by campaign organizations; providing for reports of contributions over \$100 and expenditures over \$25 for or against candidates or ballot propositions from organizations other than those attempting to influence the success of two or more candidates (defined as "political committees"); prohibiting anonymous contributions exceeding \$10 and the division of larger contributions to conceal their sources; directing candidates to subscribe to a code of fair campaign practices; limiting campaign expenditures; requiring reports of political advertising by commercial advertisers; and subjecting designated violators to criminal penalties.

LEGISLATIVE TITLE
(House Bill No. 248)

CAMPAIGN REPORTING ACT OF 1972

AN ACT relating to the regulation and reporting of campaign contributions and expenditures: Establishing an elections commission; adding a new chapter to Title 29 RCW; creating new sections; repealing section 29.18.140, chapter 9, Laws of 1965, section 9, chapter 150, Laws of 1965 ex. sess. and RCW 29.18.140; repealing section 29.85.270, chapter 9, Laws of 1965 and RCW 29.85.270; prescribing penalties; and providing for submission of this act to a vote by the people.

Initiative Measure No. 276

(Continued from Page 11)

The second part of this initiative would replace the existing law regulating lobbying activities. Like the present law, it would require lobbyists (with certain exceptions) to register before doing any lobbying. The term "lobbying," however, would be expanded to include activities in connection with all state regulatory agencies as well as the legislature, and also to include lobbying between legislative sessions. Unlike the present law, the initiative would require lobbyists to file itemized and detailed quarterly reports of their lobbying activities as well as weekly reports during legislative sessions. Employers of lobbyists would be required to file additional annual reports concerning their employment or compensating of state officials, and legislators would also file written reports concerning persons employed by them. The use of state funds for lobbying would be prohibited unless expressly authorized by law. All state agencies whose employees communicate with the legislators in accordance with the act would be required to file detailed quarterly reports concerning such employees and communications.

The third part of the initiative pertains to the financial affairs of candidates and elected officials at both the state and local levels. This part would require such candidates and officials to file periodic reports of a number of designated matters relating to their financial and business affairs, and would excuse any persons filing these reports from also filing the financial disclosure reports required by the existing statute pertaining to state officers.

The fourth major part of the initiative relates to "public records," a term which would be defined as including "... any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics." The initiative would require all such "public records" of both state and local agencies to be made available for public inspection and copying by any person asking to see or copy a particular record—subject only to certain exceptions relating to individual rights of privacy or other situations where the act deems the public interest would not be best served by open disclosure—regardless of whether or not the particular record is one which the official having custody is required by law to maintain. This part of the initiative would also impose upon all state and local governmental agencies a great number of detailed requirements with respect to the maintenance and indexing of all their records.

The initiative would also establish a "public disclosure commission" to administer and enforce its provisions and would prescribe several procedures and penalties for its enforcement. And finally, the last section of the initiative states that if approved the initiative would repeal the provisions of Referendum Bills 24 and 25 in the event that these measures are also approved at this election. Those measures are discussed on pages 12 and 14 of this pamphlet.

Referendum Bill No. 24

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voke lobbyist registration, enjoin lobbying activities, require filing of reports and recover treble damages for failure to file accurate reports. The boards could employ attorneys other than the attorney general. Individuals could also bring suit for damages.

The present law must be strictly construed because of its criminal penalties; however Referendum 24 expressly declares that its provisions shall be liberally interpreted in order to carry out its purposes.

Finally, this act should be compared with Initiative Measure No. 276, as described on page 10 of this voters' pamphlet, a portion of which also covers this same general subject.

Referendum Bill No. 25

(Continued from Page 15)

scribe to a code of fair campaign practices by which he would promise to uphold the principles of decency, honesty and fair play.

Persons violating the act would be guilty of misdemeanors and in most cases would be punishable by a fine of not more than \$500.

Finally, this act should be compared with Initiative Measure No. 276, as described on page 10 of this voters' pamphlet, a portion of which also covers this same general subject.

Initiative Measure No. 43

(Continued from Page 33)

lowed to operate a permit system for developments which are not substantial upon delegation of such authority by the department of ecology.

This act would prohibit the issuance of any permits to drill for oil in Puget Sound, or (with certain exceptions) to construct any buildings of more than 35 feet above average grade level on shorelines which obstruct the view of a substantial number of residences on areas adjoining the shoreline. It would also limit commercial timber harvesting in shoreline areas. The initiative further would require a consumer protection notice of the applicability of its provisions to be given in connection with certain transactions pertaining to lands or waters subject to the act's provisions.

Both Initiative Measure 43 and Alternative Measure 43B provide for comprehensive land planning and management programs. The principal differences between the two measures pertain to the relationships of state and local governments in the implementation of the respective acts and to the scope of geographical coverage. Alternative Measure 43B places a greater degree of responsibility and participation in local government than would Initiative Measure 43. Geographically, Initiative Measure 43 would be applicable to all lakes and streams, while Alternative Measure 43B does not apply to lakes of less than 20 acres or (with minor exceptions) to portions of streams with a mean annual flow of 20 cubic feet per second or less. In addition, the initiative would apply to a 500 foot strip of lands adjacent to all waters covered thereby and their underlying beds, whereas the alternative measure applies to a 200 foot strip of such lands together with (in certain instances) other adjacent low lying areas.

Finally, the general consent of the state to the impairment of public navigational rights by the retention of certain existing improvements which is contained in Alternative Measure 43B is not included in Initiative Measure 43. Instead, the initiative states that, except as permitted by it, "... there shall be no interference with or obstruction of the navigational rights of the public pursuant to common law as stated in such cases as the Washington Supreme Court decision in Wilbour v. Gallagher, 77 Wn. 2d 306 (1969)."

Alternative Measure No. 43B

(Continued from Page 35)

high water mark. Other activities expressly limited by the act include commercial timber harvesting on designated shoreline areas of state-wide significance and (with certain exceptions) the erection of structures over 35 feet in height above average grade level on shorelines where adjacent residential views on areas adjoining shorelines would be impaired.

This measure also grants the consent of the state to the impairment of the public rights of navigation and corollary rights caused by the retention of any structures, improvements, docks, fills or developments placed in navigable waters prior to December 4, 1969, except where they were placed in navigable waters in violation of state statutes or are in trespass.

Both Initiative Measure 43 and Alternative Measure 43B provide for comprehensive land planning and management programs. The principal differences between the two measures pertain to the relationships of state and local government in the implementation of the respective acts and to the scope of geographical coverage. Alternative Measure 43B places a greater degree of responsibility and participation in local government than would Initiative Measure 43. Geographically, Initiative Measure 43 would be applicable to all lakes and streams, while Alternative Measure 43B does not apply to lakes of less than 20 acres or (with minor exceptions) to portions of streams with a mean annual flow of 20 cubic feet per second or less. In addition, the initiative would apply to a 500 foot strip of lands adjacent to all waters covered thereby and their underlying beds, whereas the alternative measure applies to a 200 foot strip of such lands together with (in certain instances) other adjacent low lying areas.

Finally, the general consent to the impairment of public navigational rights by the retention of certain existing improvements which is contained in Alternative Measure 43B is not included in Initiative Measure 43. Instead, the initiative states that, except as permitted by it, "... there shall be no interference with or obstruction of the navigational rights of the public pursuant to common law as stated in such cases as the Washington Supreme Court decision in Wilbour v. Gallagher, 77 Wn. 2d 306 (1969)."

CERTIFICATION

As Secretary of State of the State of Washington, I hereby certify that I have caused the text of all laws, proposed measures, ballot titles, official explanations, etc. that appear within this publication to be carefully compared with the original such instruments now on file in my office and find them to be a full and true copy of said originals.

Witness my hand and the seal of the State of Washington this 20th day of September, 1972.



A. LUDLOW KRAMER
Secretary of State