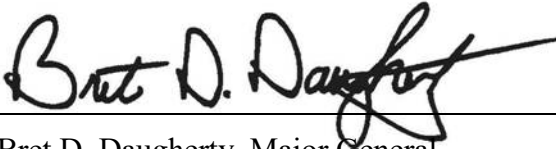


**Unified Washington Military Department and National Guard Policy
No. 13-02**

Title	Communications with the Washington State Legislature and Public Disclosure (PDC) Lobby Reporting
Authorizing Source:	Chapter 34.05 RCW, Administrative Procedure Act Chapter 38.52.120 RCW, Political Activity Prohibited Chapter 41.06.250 RCW, Political Activities Chapter 42.17A RCW, Campaign Disclosure and Contribution Chapter 42.52 RCW, Ethics in Public Service Chapter 43.88 RCW, State budgeting, accounting, and reporting system
References:	Public Disclosure Commission 2006 PDC Form L-5 Disclosure Instructions WMD Form 0012-14
Cross-Reference Number	Military Department Policy DIR-002-07
Information Contact	Intergovernmental Affairs & Policy Director Building #1 (253) 512-7712
Effective Date	May 1, 2007
Mandatory Review Date	November 20, 2022
Revised	November 20, 2018
Approved By	 Bret D. Daugherty, Major General The Adjutant General WMD Director

Purpose

This policy describes the roles, responsibilities and expectations for Washington Military Department (WMD) employee communications with the legislature and WMD reporting to the Public Disclosure Commission to ensure compliance with state lobbying laws.

Scope

This policy applies to all state and federal civilian employees, WMD volunteers, and all members of the Washington National Guard.

Definitions

1. **Lobbying:** In-person contact with a legislator or partisan staff that is a member of the legislator's staff or caucus staff (partisan staff) that attempts to influence the passage or defeat of any legislation by the state legislature or the adoption or rejection of any rule, standard, rate or other legislative enactment by any state agency under chapters 28.19 and 34.04 RCW.
2. **Legislation:** Bills, resolutions, motions, amendments, nominations, and other matters pending or proposed in either house of the state legislature and includes any other matter which may be the subject of action by either house, or any committee of the legislature and all bills and resolutions which having passed both houses, are pending approval by the Governor.
3. **Legislative Communications:** All written or oral communications between WMD employees and legislators or their staff members (partisan staff) or committee staff (non-partisan staff), to include, but not limited to, email, letters, reports, fiscal notes, answers to inquiries provided in written form, telephone conversations, hearings, face-to-face meetings, and web meetings.
4. **Partisan Staff** – Staff that work directly for a member of the Washington State Legislature (called Legislative Assistants) or caucus staff that work for the Washington State Legislature on behalf of a political party.
5. **Non-Partisan Staff** – Staff that work directly for one of the Legislative committees (House Appropriations, Senate Ways and Means, etc.)

Policy

- A. The WMD supports the Washington State Legislature with information to answer questions, provide policy and budget recommendations, and solve issues on a frequent basis.
- B. To effectively communicate and provide thorough, complete and well-coordinated information to the Legislature, WMD employees shall:
 - 1) Coordinate in-person legislative communications in advance with the Intergovernmental Affairs and Policy (IGA&P) Office, if possible.
 - 2) When it is not possible to coordinate legislative communications with the IGA&P Office in advance, promptly report all communications with legislators and legislative staff, such as hearings and other contacts to the IGA&P Director as soon as possible through their respective divisions. Reporting shall include a summary of the contact, issues raised or that may arise, and recommendations for follow up.
 - 3) For electronic answers to legislators and legislative staff questions include the IGA&P Director as an addressee. For budget related questions, also include the Chief Financial Officer.

- 4) Respond to questions by legislators or their staff members as fully and openly as possible.
- 5) Provide timely responses to legislators or legislative staff requests for follow-up that are based on comprehensive research and internal agency coordination.
- 6) Track and report lobbying activities on a quarterly basis as described below under subsection, Lobbying and Public Disclosure Commission Reporting.
- 7) When WMD employees engage in personal communications with the legislature unrelated to the WMD on their own time, clearly state they are not representing the WMD and are speaking as a private citizen representing themselves under [RCW 41.06.250](#) and [RCW 38.52.120](#).

C. Legislative Testimony and Hearings

Testimony will be provided only by the WMD Agency Director, Deputy Directors, Division Directors/Deputies, and subject matter experts coordinated by the IGA&P Office and approved by the WMD Director or designee. Public testimony for hearings to include agency positions on a bill need to be reviewed by the IGA&P Office who coordinates approval with the Governor's Policy Advisor in advance of all hearings.

D. Lobbying and Public Disclosure Commission Reporting

- 1) **WMD reports only in-person lobbying conducted by non-elected officials or employees that is directed at legislators and their staff members.**
 - i. Lobbying includes:
 - a. Testifying at hearings
 - b. In-person contact with a legislator or member of a legislator's staff to inform, sway, convince or otherwise influence the action or inaction on legislation.
 - c. In-person contact with a legislator or partisan staff regarding appropriations to WMD.
 - ii. Lobbying does NOT include:
 - a. State agency budget requests submitted to OFM, or discussions with OFM staff regarding budget requests.
 - b. Communications with non-partisan Legislative staff, including communications regarding budget requests or fiscal/policy impacts of proposed legislation.
 - c. 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.
 - d. Official reports including recommendations submitted annually or biennially by WMD as required by law.

- e. Fiscal Notes submitted to OFM or the Legislature, regardless of whether the fiscal note was requested by OFM/Legislative staff or was unsolicited.
 - f. Attending hearings to monitor and observe testimony and discussion.
 - g. Requests, recommendations or other communications between or within state agencies or between or within local agencies.
 - h. Telephone conversations or prepared written correspondence.
 - i. Preparation or adoption of policy positions within WMD or a group of agencies.
 - j. Attempts to influence federal or local legislation.
- 2) WMD Divisions shall provide a consolidated quarterly L-5 Public Disclosure Commission report using the WMD Legislative Activity Report form (WMD Form 0012-14) of lobbying activities conducted by their staff to the IGA&P Office. The report is based on calendar year quarters and will include the following information:
- i. The name, position title and division/program of the WMD official engaged in the lobbying activities.
 - ii. A general description of lobbying activities or objectives that include the following:
 - a. Date, place, contact information, and length of time spent in each lobbying activity
 - b. Legislator and/or staff person the WMD employee conducted in-person lobbying activities with:
 - 1. Bill or WAC numbers, if applicable
 - 2. Brief description of topics discussed
 - 3. Details about public or non-public (personal) expenditures for legislators or legislative staff totaling more than \$15, if applicable.