
SUBSTITUTE SENATE BILL 5072

State of Washington

62nd Legislature

2011 Regular Session

By Senate Agriculture & Rural Economic Development (originally sponsored by Senators Hatfield, Shin, and Haugen; by request of Department of Agriculture)

READ FIRST TIME 01/25/11.

1 AN ACT Relating to the authority of the department of agriculture
2 to accept and expend gifts; amending RCW 42.17.095 and 42.17A.430;
3 adding a new section to chapter 43.23 RCW; providing an effective date;
4 and providing an expiration date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.23 RCW
7 to read as follows:

8 The director of the department may accept, expend, and retain
9 gifts, grants, bequests, or contributions from public or private
10 sources to carry out the purposes and programs of the department.

11 **Sec. 2.** RCW 42.17.095 and 2005 c 467 s 1 are each amended to read
12 as follows:

13 The surplus funds of a candidate, or of a political committee
14 supporting or opposing a candidate, may only be disposed of in any one
15 or more of the following ways:

16 (1) Return the surplus to a contributor in an amount not to exceed
17 that contributor's original contribution;

1 (2) Transfer the surplus to the candidate's personal account as
2 reimbursement for lost earnings incurred as a result of that
3 candidate's election campaign. Such lost earnings shall be verifiable
4 as unpaid salary or, when the candidate is not salaried, as an amount
5 not to exceed income received by the candidate for services rendered
6 during an appropriate, corresponding time period. All lost earnings
7 incurred shall be documented and a record thereof shall be maintained
8 by the candidate or the candidate's political committee. The committee
9 shall include a copy of such record when its expenditure for such
10 reimbursement is reported pursuant to RCW 42.17.090;

11 (3) Transfer the surplus without limit to a political party or to
12 a caucus political committee;

13 (4) Donate the surplus to a charitable organization registered in
14 accordance with chapter 19.09 RCW;

15 (5) Transmit the surplus to the state treasurer for deposit in the
16 general fund, the ~~((oral history))~~ Washington state legacy project,
17 state library, and archives account under RCW 43.07.380, or the
18 legislative international trade account under RCW ~~((44.04.270))~~
19 43.15.050, as specified by the candidate or political committee; ~~((or))~~

20 (6) Transfer the surplus funds to the department of agriculture's
21 food assistance program under RCW 43.23.290 for distribution to food
22 banks.

23 ~~((7))~~ (7) Hold the surplus in the ~~((campaign))~~ depository or depositories
24 designated in accordance with RCW 42.17.050 for possible use in a
25 future election campaign for the same office last sought by the
26 candidate and report any such disposition in accordance with RCW
27 42.17.090: PROVIDED, That if the candidate subsequently announces or
28 publicly files for office, information as appropriate is reported to
29 the commission in accordance with RCW 42.17.040 through 42.17.090. If
30 a subsequent office is not sought the surplus held shall be disposed of
31 in accordance with the requirements of this section.

32 ~~((+7))~~ (8) Hold the surplus campaign funds in a separate account
33 for nonreimbursed public office-related expenses or as provided in this
34 section, and report any such disposition in accordance with RCW
35 42.17.090. The separate account required under this subsection shall
36 not be used for deposits of campaign funds that are not surplus.

37 ~~((+8))~~ (9) No candidate or authorized committee may transfer funds
38 to any other candidate or other political committee.

1 The disposal of surplus funds under this section shall not be
2 considered a contribution for purposes of this chapter.

3 **Sec. 3.** RCW 42.17A.430 and 2010 c 204 s 606 are each amended to
4 read as follows:

5 The surplus funds of a candidate or a candidate's authorized
6 committee may only be disposed of in any one or more of the following
7 ways:

8 (1) Return the surplus to a contributor in an amount not to exceed
9 that contributor's original contribution;

10 (2) Using surplus, reimburse the candidate for lost earnings
11 incurred as a result of that candidate's election campaign. Lost
12 earnings shall be verifiable as unpaid salary or, when the candidate is
13 not salaried, as an amount not to exceed income received by the
14 candidate for services rendered during an appropriate, corresponding
15 time period. All lost earnings incurred shall be documented and a
16 record thereof shall be maintained by the candidate or the candidate's
17 authorized committee. The committee shall maintain a copy of this
18 record in accordance with RCW 42.17A.235(~~(+6)~~) (5);

19 (3) Transfer the surplus without limit to a political party or to
20 a caucus political committee;

21 (4) Donate the surplus to a charitable organization registered in
22 accordance with chapter 19.09 RCW;

23 (5) Transmit the surplus to the state treasurer for deposit in the
24 general fund, the Washington state legacy project, state library, and
25 archives account under RCW 43.07.380, or the legislative international
26 trade account under RCW 43.15.050, as specified by the candidate or
27 political committee; (~~(6)~~)

28 (6) Transfer the surplus funds to the department of agriculture's
29 food assistance program under RCW 43.23.290 for distribution to food
30 banks.

31 (7) Hold the surplus in the depository or depositories designated
32 in accordance with RCW 42.17A.215 for possible use in a future election
33 campaign for the same office last sought by the candidate and report
34 any such disposition in accordance with RCW 42.17A.240. If the
35 candidate subsequently announces or publicly files for office, the
36 appropriate information must be reported to the commission in

1 accordance with RCW 42.17A.205 through 42.17A.240. If a subsequent
2 office is not sought the surplus held shall be disposed of in
3 accordance with the requirements of this section.

4 ~~((7))~~ (8) Hold the surplus campaign funds in a separate account
5 for nonreimbursed public office-related expenses or as provided in this
6 section, and report any such disposition in accordance with RCW
7 42.17A.240. The separate account required under this subsection shall
8 not be used for deposits of campaign funds that are not surplus.

9 ~~((8))~~ (9) No candidate or authorized committee may transfer funds
10 to any other candidate or other political committee.

11 The disposal of surplus funds under this section shall not be
12 considered a contribution for purposes of this chapter.

13 NEW SECTION. **Sec. 4.** Section 2 of this act expires January 1,
14 2012.

15 NEW SECTION. **Sec. 5.** Section 3 of this act takes effect January
16 1, 2012.

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