

HOUSE BILL REPORT

SSB 5170

As Reported by House Committee On:
State Government & Tribal Relations

Title: An act relating to funding and expenditures for legislative organizations by legislators who serve as elected leaders of those organizations.

Brief Description: Concerning funding and expenditures for legislative organizations by legislators who serve as elected leaders of those organizations.

Sponsors: Senate Committee on State Government & Elections (originally sponsored by Senators Hunt, Kuderer, Wilson, J., Hasegawa and Wilson, C.).

Brief History:

Committee Activity:

State Government & Tribal Relations: 3/14/23, 3/22/23 [DP].

Brief Summary of Substitute Bill

- Authorizes certain legislators and staff to solicit gifts, grants, or donations to support official conferences of regional or national legislative organizations that are held outside the state.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL RELATIONS

Majority Report: Do pass. Signed by 6 members: Representatives Ramos, Chair; Stearns, Vice Chair; Christian, Assistant Ranking Minority Member; Gregerson, Low and Mena.

Minority Report: Do not pass. Signed by 1 member: Representative Abbarno, Ranking Minority Member.

Staff: Desiree Omli (786-7105).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Background:

The Ethics in Public Service Act (Ethics Act) prohibits state officers and state employees from using their public employment for personal gain or private advantage, or to provide special privileges or exemptions for anyone else unless required to perform duties within the scope of their employment.

The Ethics Act also places limitations on the solicitation and receipt of gifts. A "gift" is anything of economic value for which no consideration is given. A "gift" does not include items as specified under statute, such as:

- items from family members or friends where it is clear beyond a reasonable doubt that the gift was not made to influence the recipient;
- items that are customary and not related to the recipient's official duties;
- items exchanged among employees at social events;
- payments by a governmental or nongovernmental entity incurred in connection with a speech, presentation, appearance, or trade mission made in an official capacity;
- payments for enrollment and course fees, including travel expenses, for attending seminars and educational programs sponsored by a bona fide governmental or nonprofit professional, educational, trade, or charitable association or institution; and
- discounts available to an individual as a member of an employee group, occupation, or similar broad-based group.

State officers and state employees may not receive or solicit anything of economic value as a gift, gratuity, or favor from any person if it could reasonably be expected that the gift, gratuity, or favor would influence the vote, action, or judgment of the officer or employee, or be considered a reward for action or inaction. As a general rule, state officers and state employees are also prohibited from accepting gifts with an aggregate value in excess of \$50 from a single source in a calendar year or a single gift from multiple sources with a value in excess of \$50. A "single gift" includes any event, item, or group of items used in conjunction with each other or any trip.

Exemptions to the general rule are provided in statute and are items presumed to not influence the recipient. Examples include the following:

- unsolicited flowers;
- unsolicited promotional items;
- unsolicited tokens or awards of appreciation;
- food and beverage consumption at a hosted reception related to official duties;
- admission to events, including food and beverages, sponsored by a civic, charitable, governmental, or community organization; and
- gifts solicited on behalf of a national legislative association or the annual conference of the National Association of State Treasurers, for the purpose of hosting an official conference within the state.

Summary of Bill:

It is not a violation of the Ethics Act for legislators who serve as elected leaders of a regional or national legislative association and designated legislative employees to solicit and accept gifts, grants, or donations on behalf of the legislative association for an official conference held outside of the state. A "regional or national legislative association" is any organization which:

- exists for the purpose of supporting legislators in the execution of their official duties;
 - includes among its membership the Washington State Legislature; and
 - is supported in part by the payment of annual dues by the Legislature.
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Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The law currently allows elected officials and state employees to raise money on behalf of organizations like the National Conference of State Legislatures and the National Association of State Treasurers for conferences and activities of those organizations. However, legislators who are elected to leadership roles on similar organizations cannot raise money for conferences outside of the state. This policy would authorize legislators who are elected to those organizations to participate in fundraising activities for events outside of the state.

(Opposed) None.

Persons Testifying: Senator Sam Hunt, prime sponsor.

Persons Signed In To Testify But Not Testifying: None.