

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5170

68th Legislature
2023 Regular Session

Passed by the Senate February 22,
2023

Yeas 48 Nays 1

President of the Senate

Passed by the House April 5, 2023

Yeas 85 Nays 13

**Speaker of the House of
Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5170** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5170

Passed Legislature - 2023 Regular Session

State of Washington

68th Legislature

2023 Regular Session

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

READ FIRST TIME 01/23/23.

1 AN ACT Relating to funding and expenditures for legislative
2 organizations by legislators who serve as elected leaders of those
3 organizations; amending RCW 42.56.160; reenacting and amending RCW
4 42.52.150; and adding a new section to chapter 42.52 RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 42.52
7 RCW to read as follows:

8 (1) When soliciting gifts, grants, or donations to a regional or
9 national legislative association for an official conference held
10 outside the state of Washington, legislators who serve as elected
11 leaders of the association and designated legislative employees are
12 presumed not to be in violation of the solicitation and receipt of
13 gift provisions of this chapter.

14 (2) For purposes of this section, any regional or national
15 legislative association is any organization which:

16 (a) Exists for the purpose of supporting legislators in the
17 execution of their official duties;

18 (b) Includes among its membership the Washington state
19 legislature; and

20 (c) Is supported in part by the payment of annual dues by the
21 Washington state legislature.

1 **Sec. 2.** RCW 42.52.150 and 2015 3rd sp.s. c 20 s 7 and 2015 c 45
2 s 2 are each reenacted and amended to read as follows:

3 (1) No state officer or state employee may accept gifts, other
4 than those specified in subsections (2) and (5) of this section, with
5 an aggregate value in excess of fifty dollars from a single source in
6 a calendar year or a single gift from multiple sources with a value
7 in excess of fifty dollars. For purposes of this section, "single
8 source" means any person, as defined in RCW 42.52.010, whether acting
9 directly or through any agent or other intermediary, and "single
10 gift" includes any event, item, or group of items used in conjunction
11 with each other or any trip including transportation, lodging, and
12 attendant costs, not excluded from the definition of gift under RCW
13 42.52.010. The value of gifts given to an officer's or employee's
14 family member or guest shall be attributed to the official or
15 employee for the purpose of determining whether the limit has been
16 exceeded, unless an independent business, family, or social
17 relationship exists between the donor and the family member or guest.

18 (2) Except as provided in subsection (4) of this section, the
19 following items are presumed not to influence under RCW 42.52.140,
20 and may be accepted without regard to the limit established by
21 subsection (1) of this section:

22 (a) Unsolicited flowers, plants, and floral arrangements;

23 (b) Unsolicited advertising or promotional items of nominal
24 value, such as pens and note pads;

25 (c) Unsolicited tokens or awards of appreciation in the form of a
26 plaque, trophy, desk item, wall memento, or similar item;

27 (d) Unsolicited items received by a state officer or state
28 employee for the purpose of evaluation or review, if the officer or
29 employee has no personal beneficial interest in the eventual use or
30 acquisition of the item by the officer's or employee's agency;

31 (e) Informational material, publications, or subscriptions
32 related to the recipient's performance of official duties;

33 (f) Food and beverages consumed at hosted receptions where
34 attendance is related to the state officer's or state employee's
35 official duties;

36 (g) Gifts, grants, conveyances, bequests, and devises of real or
37 personal property, or both, in trust or otherwise accepted and
38 solicited for deposit in the legislative international trade account
39 created in RCW 43.15.050;

1 (h) Gifts, grants, conveyances, bequests, and devises of real or
2 personal property, or both, in trust or otherwise accepted and
3 solicited for the purpose of promoting the expansion of tourism as
4 provided for in RCW 43.330.090;

5 (i) Gifts, grants, conveyances, bequests, and devises of real or
6 personal property, or both, solicited on behalf of a national or
7 regional legislative association as defined in section 1(2) of this
8 act, the 2006 official conference of the national lieutenant
9 governors' association, the annual conference of the national
10 association of state treasurers(~~(+)~~), or a host committee, for the
11 purpose of hosting an official conference under the circumstances
12 specified in RCW 42.52.820, section 2, chapter 5, Laws of 2006,
13 (~~(e)~~) RCW 42.52.821, or section 1 of this act. Anything solicited or
14 accepted may only be received by the national association or host
15 committee and may not be commingled with any funds or accounts that
16 are the property of any person;

17 (j) Admission to, and the cost of food and beverages consumed at,
18 events sponsored by or in conjunction with a civic, charitable,
19 governmental, or community organization;

20 (k) Unsolicited gifts from dignitaries from another state or a
21 foreign country that are intended to be personal in nature; and

22 (l) Gifts, grants, donations, sponsorships, or contributions from
23 any agency or federal or local government agency or program or
24 private source for the purposes of chapter 28B.156 RCW.

25 (3) The presumption in subsection (2) of this section is
26 rebuttable and may be overcome based on the circumstances surrounding
27 the giving and acceptance of the item.

28 (4) Notwithstanding subsections (2) and (5) of this section, a
29 state officer or state employee of a regulatory agency or of an
30 agency that seeks to acquire goods or services who participates in
31 those regulatory or contractual matters may receive, accept, take, or
32 seek, directly or indirectly, only the following items from a person
33 regulated by the agency or from a person who seeks to provide goods
34 or services to the agency:

35 (a) Unsolicited advertising or promotional items of nominal
36 value, such as pens and note pads;

37 (b) Unsolicited tokens or awards of appreciation in the form of a
38 plaque, trophy, desk item, wall memento, or similar item;

39 (c) Unsolicited items received by a state officer or state
40 employee for the purpose of evaluation or review, if the officer or

1 employee has no personal beneficial interest in the eventual use or
2 acquisition of the item by the officer's or employee's agency;

3 (d) Informational material, publications, or subscriptions
4 related to the recipient's performance of official duties;

5 (e) Food and beverages consumed at hosted receptions where
6 attendance is related to the state officer's or state employee's
7 official duties;

8 (f) Admission to, and the cost of food and beverages consumed at,
9 events sponsored by or in conjunction with a civic, charitable,
10 governmental, or community organization; and

11 (g) Those items excluded from the definition of gift in RCW
12 42.52.010 except:

13 (i) Payments by a governmental or nongovernmental entity of
14 reasonable expenses incurred in connection with a speech,
15 presentation, appearance, or trade mission made in an official
16 capacity;

17 (ii) Payments for seminars and educational programs sponsored by
18 a bona fide governmental or nonprofit professional, educational,
19 trade, or charitable association or institution; and

20 (iii) Flowers, plants, and floral arrangements.

21 (5) A state officer or state employee may accept gifts in the
22 form of food and beverage on infrequent occasions in the ordinary
23 course of meals where attendance by the officer or employee is
24 related to the performance of official duties. Gifts in the form of
25 food and beverage that exceed fifty dollars on a single occasion
26 shall be reported as provided in chapter 42.17A RCW.

27 **Sec. 3.** RCW 42.52.160 and 2022 c 37 s 2 are each amended to read
28 as follows:

29 (1) No state officer or state employee may employ or use any
30 person, money, or property under the officer's or employee's official
31 control or direction, or in his or her official custody, for the
32 private benefit or gain of the officer, employee, or another.

33 (2) This section does not prohibit the use of public resources to
34 benefit others as part of a state officer's or state employee's
35 official duties. It is not a violation of this section for a
36 legislator or an appropriate legislative staff designee to engage in
37 activities listed under RCW 42.52.070(2) or section 1 of this act.

38 (3) This section does not prohibit de minimis use of state
39 facilities to provide employees with information about (a) medical,

1 surgical, and hospital care; (b) life insurance or accident and
2 health disability insurance; or (c) individual retirement accounts,
3 by any person, firm, or corporation administering such program as
4 part of authorized payroll deductions pursuant to RCW 41.04.020.

5 (4) The appropriate ethics boards may adopt rules providing
6 exceptions to this section for occasional use of the state officer or
7 state employee, of de minimis cost and value, if the activity does
8 not result in interference with the proper performance of public
9 duties.

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