
SENATE BILL 5170

State of Washington

68th Legislature

2023 Regular Session

By Senators Hunt, Kuderer, J. Wilson, and Hasegawa

Prefiled 01/05/23.

1 AN ACT Relating to funding and expenditures for legislative
2 organizations by legislators who serve as elected leaders of those
3 organizations; reenacting and amending RCW 42.52.150; and adding a
4 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 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. For purposes of this section, any
14 regional or national legislative association must: (1) Include among
15 its membership the Washington state legislature or individual
16 legislators or legislative staff; and (2) be supported in part by the
17 payment of annual dues by the Washington state legislature.

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

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

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

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

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

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

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

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

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

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

38 (h) Gifts, grants, conveyances, bequests, and devises of real or
39 personal property, or both, in trust or otherwise accepted and

1 solicited for the purpose of promoting the expansion of tourism as
2 provided for in RCW 43.330.090;

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

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

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

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

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

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

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

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

36 (c) Unsolicited items received by a state officer or state
37 employee for the purpose of evaluation or review, if the officer or
38 employee has no personal beneficial interest in the eventual use or
39 acquisition of the item by the officer's or employee's agency;

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

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

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

9 (g) Those items excluded from the definition of gift in RCW
10 42.52.010 except:

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

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

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

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

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