
HOUSE BILL 1914

State of Washington

64th Legislature

2015 Regular Session

By Representatives Orwall, Hansen, and Ormsby; by request of
Legislative Ethics Board

Read first time 02/02/15. Referred to Committee on State Government.

1 AN ACT Relating to the reporting of gifts in the form of food and
2 beverage to state officers and state employees; and amending RCW
3 42.52.150, 42.17A.615, and 42.17A.710.

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

5 **Sec. 1.** RCW 42.52.150 and 2011 c 60 s 29 are each amended to
6 read as follows:

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

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

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

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

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

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

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

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

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

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

27 (i) Gifts, grants, conveyances, bequests, and devises of real or
28 personal property, or both, solicited on behalf of a national
29 legislative association, 2006 official conference of the national
30 lieutenant governors' association, or host committee for the purpose
31 of hosting an official conference under the circumstances specified
32 in RCW 42.52.820 and section 2, chapter 5, Laws of 2006. Anything
33 solicited or accepted may only be received by the national
34 association or host committee and may not be commingled with any
35 funds or accounts that are the property of any person;

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

39 (k) Unsolicited gifts from dignitaries from another state or a
40 foreign country that are intended to be personal in nature.

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

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

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

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

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

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

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

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

27 (g) Those items excluded from the definition of gift in RCW
28 42.52.010 except:

29 (i) Payments by a governmental or nongovernmental entity of
30 reasonable expenses incurred in connection with a speech,
31 presentation, appearance, or trade mission made in an official
32 capacity;

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

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

37 (5) A state officer or state employee may accept gifts in the
38 form of food and beverage on infrequent occasions in the ordinary
39 course of meals where attendance by the officer or employee is
40 related to the performance of official duties. These gifts in the

1 form of food and beverage (~~that exceed fifty dollars on a single~~
2 ~~occasion~~) shall be reported as provided in chapter 42.17A RCW.

3 **Sec. 2.** RCW 42.17A.615 and 2010 c 204 s 804 are each amended to
4 read as follows:

5 (1) Any lobbyist registered under RCW 42.17A.600 and any person
6 who lobbies shall file with the commission monthly reports of his or
7 her lobbying activities. The reports shall be made in the form and
8 manner prescribed by the commission and must be signed by the
9 lobbyist. The monthly report shall be filed within fifteen days after
10 the last day of the calendar month covered by the report.

11 (2) The monthly report shall contain:

12 (a) The totals of all expenditures for lobbying activities made
13 or incurred by the lobbyist or on behalf of the lobbyist by the
14 lobbyist's employer during the period covered by the report.
15 Expenditure totals for lobbying activities shall be segregated
16 according to financial category, including compensation; food and
17 refreshments; living accommodations; advertising; travel;
18 contributions; and other expenses or services. Each individual
19 expenditure of more than twenty-five dollars for entertainment shall
20 be identified by date, place, amount, and the names of all persons
21 taking part in the entertainment, along with the dollar amount
22 attributable to each person, including the lobbyist's portion.

23 (b) In the case of a lobbyist employed by more than one employer,
24 the proportionate amount of expenditures in each category incurred on
25 behalf of each of the lobbyist's employers.

26 (c) An itemized listing of each contribution of money or of
27 tangible or intangible personal property, whether contributed by the
28 lobbyist personally or delivered or transmitted by the lobbyist, to
29 any candidate, elected official, or officer or employee of any
30 agency, or any political committee supporting or opposing any ballot
31 proposition, or for or on behalf of any candidate, elected official,
32 or officer or employee of any agency, or any political committee
33 supporting or opposing any ballot proposition. All contributions made
34 to, or for the benefit of, any candidate, elected official, or
35 officer or employee of any agency, or any political committee
36 supporting or opposing any ballot proposition shall be identified by
37 date, amount, and the name of the candidate, elected official, or
38 officer or employee of any agency, or any political committee

1 supporting or opposing any ballot proposition receiving, or to be
2 benefited by each such contribution.

3 (d) The subject matter of proposed legislation or other
4 legislative activity or rule making under chapter 34.05 RCW, the
5 state administrative procedure act, and the state agency considering
6 the same, which the lobbyist has been engaged in supporting or
7 opposing during the reporting period, unless exempt under RCW
8 42.17A.610(2).

9 (e) A listing of each payment for an item specified in RCW
10 42.52.150(5) in excess of fifty dollars, and with respect to
11 legislators regardless of dollar value, and each item specified in
12 RCW 42.52.010(~~((+10))~~) (9) (d) and (f) made to a state elected
13 official, state officer, or state employee. Each item shall be
14 identified by recipient, date, and approximate value of the item.

15 (f) The total expenditures paid or incurred during the reporting
16 period by the lobbyist for lobbying purposes, whether through or on
17 behalf of a lobbyist or otherwise, for (i) political advertising as
18 defined in RCW 42.17A.005; and (ii) public relations, telemarketing,
19 polling, or similar activities if the activities, directly or
20 indirectly, are intended, designed, or calculated to influence
21 legislation or the adoption or rejection of a rule, standard, or rate
22 by an agency under the administrative procedure act. The report shall
23 specify the amount, the person to whom the amount was paid, and a
24 brief description of the activity.

25 (3) Lobbyists are not required to report the following:

26 (a) Unreimbursed personal living and travel expenses not incurred
27 directly for lobbying;

28 (b) Any expenses incurred for his or her own living
29 accommodations;

30 (c) Any expenses incurred for his or her own travel to and from
31 hearings of the legislature;

32 (d) Any expenses incurred for telephone, and any office expenses,
33 including rent and salaries and wages paid for staff and secretarial
34 assistance.

35 (4) The commission may adopt rules to vary the content of
36 lobbyist reports to address specific circumstances, consistent with
37 this section. Lobbyist reports are subject to audit by the
38 commission.

1 **Sec. 3.** RCW 42.17A.710 and 2010 c 204 s 903 are each amended to
2 read as follows:

3 (1) The statement of financial affairs required by RCW 42.17A.700
4 shall disclose the following information for the reporting individual
5 and each member of his or her immediate family:

6 (a) Occupation, name of employer, and business address;

7 (b) Each bank account, savings account, and insurance policy in
8 which a direct financial interest was held that exceeds twenty
9 thousand dollars at any time during the reporting period; each other
10 item of intangible personal property in which a direct financial
11 interest was held that exceeds two thousand dollars during the
12 reporting period; the name, address, and nature of the entity; and
13 the nature and highest value of each direct financial interest during
14 the reporting period;

15 (c) The name and address of each creditor to whom the value of
16 two thousand dollars or more was owed; the original amount of each
17 debt to each creditor; the amount of each debt owed to each creditor
18 as of the date of filing; the terms of repayment of each debt; and
19 the security given, if any, for each such debt. Debts arising from a
20 "retail installment transaction" as defined in chapter 63.14 RCW
21 (retail installment sales act) need not be reported;

22 (d) Every public or private office, directorship, and position
23 held as trustee;

24 (e) All persons for whom any legislation, rule, rate, or standard
25 has been prepared, promoted, or opposed for current or deferred
26 compensation. For the purposes of this subsection, "compensation"
27 does not include payments made to the person reporting by the
28 governmental entity for which the person serves as an elected
29 official or state executive officer or professional staff member for
30 his or her service in office; the description of such actual or
31 proposed legislation, rules, rates, or standards; and the amount of
32 current or deferred compensation paid or promised to be paid;

33 (f) The name and address of each governmental entity,
34 corporation, partnership, joint venture, sole proprietorship,
35 association, union, or other business or commercial entity from whom
36 compensation has been received in any form of a total value of two
37 thousand dollars or more; the value of the compensation; and the
38 consideration given or performed in exchange for the compensation;

39 (g) The name of any corporation, partnership, joint venture,
40 association, union, or other entity in which is held any office,

1 directorship, or any general partnership interest, or an ownership
2 interest of ten percent or more; the name or title of that office,
3 directorship, or partnership; the nature of ownership interest; and:
4 (i) With respect to a governmental unit in which the official seeks
5 or holds any office or position, if the entity has received
6 compensation in any form during the preceding twelve months from the
7 governmental unit, the value of the compensation and the
8 consideration given or performed in exchange for the compensation;
9 and (ii) the name of each governmental unit, corporation,
10 partnership, joint venture, sole proprietorship, association, union,
11 or other business or commercial entity from which the entity has
12 received compensation in any form in the amount of ten thousand
13 dollars or more during the preceding twelve months and the
14 consideration given or performed in exchange for the compensation. As
15 used in (g)(ii) of this subsection, "compensation" does not include
16 payment for water and other utility services at rates approved by the
17 Washington state utilities and transportation commission or the
18 legislative authority of the public entity providing the service.
19 With respect to any bank or commercial lending institution in which
20 is held any office, directorship, partnership interest, or ownership
21 interest, it shall only be necessary to report either the name,
22 address, and occupation of every director and officer of the bank or
23 commercial lending institution and the average monthly balance of
24 each account held during the preceding twelve months by the bank or
25 commercial lending institution from the governmental entity for which
26 the individual is an official or candidate or professional staff
27 member, or all interest paid by a borrower on loans from and all
28 interest paid to a depositor by the bank or commercial lending
29 institution if the interest exceeds two thousand four hundred
30 dollars;

31 (h) A list, including legal or other sufficient descriptions as
32 prescribed by the commission, of all real property in the state of
33 Washington, the assessed valuation of which exceeds ten thousand
34 dollars in which any direct financial interest was acquired during
35 the preceding calendar year, and a statement of the amount and nature
36 of the financial interest and of the consideration given in exchange
37 for that interest;

38 (i) A list, including legal or other sufficient descriptions as
39 prescribed by the commission, of all real property in the state of
40 Washington, the assessed valuation of which exceeds ten thousand

1 dollars in which any direct financial interest was divested during
2 the preceding calendar year, and a statement of the amount and nature
3 of the consideration received in exchange for that interest, and the
4 name and address of the person furnishing the consideration;

5 (j) A list, including legal or other sufficient descriptions as
6 prescribed by the commission, of all real property in the state of
7 Washington, the assessed valuation of which exceeds ten thousand
8 dollars in which a direct financial interest was held. If a
9 description of the property has been included in a report previously
10 filed, the property may be listed, for purposes of this subsection
11 (1)(j), by reference to the previously filed report;

12 (k) A list, including legal or other sufficient descriptions as
13 prescribed by the commission, of all real property in the state of
14 Washington, the assessed valuation of which exceeds twenty thousand
15 dollars, in which a corporation, partnership, firm, enterprise, or
16 other entity had a direct financial interest, in which corporation,
17 partnership, firm, or enterprise a ten percent or greater ownership
18 interest was held;

19 (l) A list of each occasion, specifying date, donor, and amount,
20 at which food and beverage in excess of fifty dollars, and with
21 respect to legislators regardless of dollar value when received from
22 lobbyists or lobbyist employers, was accepted under RCW 42.52.150(5);

23 (m) A list of each occasion, specifying date, donor, and amount,
24 at which items specified in RCW 42.52.010(~~(+10)~~) (9) (d) and (f)
25 were accepted; and

26 (n) Such other information as the commission may deem necessary
27 in order to properly carry out the purposes and policies of this
28 chapter, as the commission shall prescribe by rule.

29 (2) Where an amount is required to be reported under subsection
30 (1)(a) through (m) of this section, it shall be sufficient to comply
31 with the requirement to report whether the amount is less than four
32 thousand dollars, at least four thousand dollars but less than twenty
33 thousand dollars, at least twenty thousand dollars but less than
34 forty thousand dollars, at least forty thousand dollars but less than
35 one hundred thousand dollars, or one hundred thousand dollars or
36 more. An amount of stock may be reported by number of shares instead
37 of by market value. No provision of this subsection may be
38 interpreted to prevent any person from filing more information or
39 more detailed information than required.

1 (3) Items of value given to an official's or employee's spouse,
2 domestic partner, or family member are attributable to the official
3 or employee, except the item is not attributable if an independent
4 business, family, or social relationship exists between the donor and
5 the spouse, domestic partner, or family member.

--- END ---