

CERTIFICATION OF ENROLLMENT  
**ENGROSSED SUBSTITUTE SENATE BILL 5785**

64th Legislature  
2015 Regular Session

Passed by the Senate April 21, 2015  
Yeas 46 Nays 1

---

**President of the Senate**

Passed by the House April 14, 2015  
Yeas 67 Nays 30

---

**Speaker of the House of Representatives**

Approved

---

**Governor of the State of Washington**

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5785** as passed by Senate and the House of Representatives on the dates hereon set forth.

---

**Secretary**

FILED

**Secretary of State  
State of Washington**

---

ENGROSSED SUBSTITUTE SENATE BILL 5785

---

AS AMENDED BY THE HOUSE

Passed Legislature - 2015 Regular Session

**State of Washington**                      **64th Legislature**                      **2015 Regular Session**

**By** Senate Government Operations & Security (originally sponsored by Senators Rivers, Nelson, Dansel, Hatfield, Pearson, Fain, Liias, and Hobbs)

READ FIRST TIME 02/13/15.

1            AN ACT Relating to the definition of official duties of state  
2 officers; and reenacting and amending RCW 42.52.010.

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

4            **Sec. 1.** RCW 42.52.010 and 2011 c 60 s 28 are each reenacted and  
5 amended to read as follows:

6            Unless the context clearly requires otherwise, the definitions in  
7 this section apply throughout this chapter.

8            (1) "Agency" means any state board, commission, bureau,  
9 committee, department, institution, division, or tribunal in the  
10 legislative, executive, or judicial branch of state government.  
11 "Agency" includes all elective offices, the state legislature, those  
12 institutions of higher education created and supported by the state  
13 government, and those courts that are parts of state government.

14            (2) "Assist" means to act, or offer or agree to act, in such a  
15 way as to help, aid, advise, furnish information to, or otherwise  
16 provide assistance to another person, believing that the action is of  
17 help, aid, advice, or assistance to the person and with intent so to  
18 assist such person.

19            (3) "Beneficial interest" has the meaning ascribed to it under  
20 the Washington case law. However, an ownership interest in a mutual  
21 fund or similar investment pooling fund in which the owner has no

1 management powers does not constitute a beneficial interest in the  
2 entities in which the fund or pool invests.

3 (4) "Compensation" means anything of economic value, however  
4 designated, that is paid, loaned, granted, or transferred, or to be  
5 paid, loaned, granted, or transferred for, or in consideration of,  
6 personal services to any person.

7 (5) "Confidential information" means (a) specific information,  
8 rather than generalized knowledge, that is not available to the  
9 general public on request or (b) information made confidential by  
10 law.

11 (6) "Contract" or "grant" means an agreement between two or more  
12 persons that creates an obligation to do or not to do a particular  
13 thing. "Contract" or "grant" includes, but is not limited to, an  
14 employment contract, a lease, a license, a purchase agreement, or a  
15 sales agreement.

16 (7) "Ethics boards" means the commission on judicial conduct, the  
17 legislative ethics board, and the executive ethics board.

18 (8) "Family" has the same meaning as "immediate family" in RCW  
19 42.17A.005.

20 (9) "Gift" means anything of economic value for which no  
21 consideration is given. "Gift" does not include:

22 (a) Items from family members or friends where it is clear beyond  
23 a reasonable doubt that the gift was not made as part of any design  
24 to gain or maintain influence in the agency of which the recipient is  
25 an officer or employee;

26 (b) Items related to the outside business of the recipient that  
27 are customary and not related to the recipient's performance of  
28 official duties;

29 (c) Items exchanged among officials and employees or a social  
30 event hosted or sponsored by a state officer or state employee for  
31 coworkers;

32 (d) Payments by a governmental or nongovernmental entity of  
33 reasonable expenses incurred in connection with a speech,  
34 presentation, appearance, or trade mission made in an official  
35 capacity. As used in this subsection, "reasonable expenses" are  
36 limited to travel, lodging, and subsistence expenses incurred the day  
37 before through the day after the event;

38 (e) Items a state officer or state employee is authorized by law  
39 to accept;

1 (f) Payment of enrollment and course fees and reasonable travel  
2 expenses attributable to attending seminars and educational programs  
3 sponsored by a bona fide governmental or nonprofit professional,  
4 educational, trade, or charitable association or institution. As used  
5 in this subsection, "reasonable expenses" are limited to travel,  
6 lodging, and subsistence expenses incurred the day before through the  
7 day after the event;

8 (g) Items returned by the recipient to the donor within thirty  
9 days of receipt or donated to a charitable organization within thirty  
10 days of receipt;

11 (h) Campaign contributions reported under chapter 42.17A RCW;

12 (i) Discounts available to an individual as a member of an  
13 employee group, occupation, or similar broad-based group; and

14 (j) Awards, prizes, scholarships, or other items provided in  
15 recognition of academic or scientific achievement.

16 (10) "Head of agency" means the chief executive officer of an  
17 agency. In the case of an agency headed by a commission, board,  
18 committee, or other body consisting of more than one natural person,  
19 agency head means the person or board authorized to appoint agency  
20 employees and regulate their conduct.

21 (11) "Honorarium" means money or thing of value offered to a  
22 state officer or state employee for a speech, appearance, article, or  
23 similar item or activity in connection with the state officer's or  
24 state employee's official role.

25 (12) "Official duty" means: (a) For a state officer holding an  
26 elective office, those duties ((within the specific scope of  
27 employment of the state officer or state employee as defined by the  
28 officer's or employee's agency or by statute or the state  
29 Constitution)) prescribed in the state Constitution, state statutes,  
30 or agency rules, legislatively funded or mandated authority and  
31 responsibilities, activities described in an agency's publicly  
32 released strategic plan or similar document, and tasks or actions  
33 directly related to carrying out the state officer's other official  
34 duties; and (b) for a state employee or a state officer who is not  
35 holding an elective office, those duties within the specific scope of  
36 employment of the state officer or state employee as defined by the  
37 officer's or employee's agency or by statute or the state  
38 Constitution.

39 (13) "Participate" means to participate in state action or a  
40 proceeding personally and substantially as a state officer or state

1 employee, through approval, disapproval, decision, recommendation,  
2 the rendering of advice, investigation, or otherwise but does not  
3 include preparation, consideration, or enactment of legislation or  
4 the performance of legislative duties.

5 (14) "Person" means any individual, partnership, association,  
6 corporation, firm, institution, or other entity, whether or not  
7 operated for profit.

8 (15) "Regulatory agency" means any state board, commission,  
9 department, or officer, except those in the legislative or judicial  
10 branches, authorized by law to conduct adjudicative proceedings,  
11 issue permits or licenses, or to control or affect interests of  
12 identified persons.

13 (16) "Responsibility" in connection with a transaction involving  
14 the state, means the direct administrative or operating authority,  
15 whether intermediate or final, and either exercisable alone or  
16 through subordinates, effectively to approve, disapprove, or  
17 otherwise direct state action in respect of such transaction.

18 (17) "State action" means any action on the part of an agency,  
19 including, but not limited to:

20 (a) A decision, determination, finding, ruling, or order; and

21 (b) A grant, payment, award, license, contract, transaction,  
22 sanction, or approval, or the denial thereof, or failure to act with  
23 respect to a decision, determination, finding, ruling, or order.

24 (18) "State employee" means an individual who is employed by an  
25 agency in any branch of state government. For purposes of this  
26 chapter, employees of the superior courts are not state officers or  
27 state employees.

28 (19) "State officer" means every person holding a position of  
29 public trust in or under an executive, legislative, or judicial  
30 office of the state. "State officer" includes judges of the superior  
31 court, judges of the court of appeals, justices of the supreme court,  
32 members of the legislature together with the secretary of the senate  
33 and the chief clerk of the house of representatives, holders of  
34 elective offices in the executive branch of state government, chief  
35 executive officers of state agencies, members of boards, commissions,  
36 or committees with authority over one or more state agencies or  
37 institutions, and employees of the state who are engaged in  
38 supervisory, policy-making, or policy-enforcing work. For the  
39 purposes of this chapter, "state officer" also includes any person

1 exercising or undertaking to exercise the powers or functions of a  
2 state officer.

3 (20) "Thing of economic value," in addition to its ordinary  
4 meaning, includes:

5 (a) A loan, property interest, interest in a contract or other  
6 chose in action, and employment or another arrangement involving a  
7 right to compensation;

8 (b) An option, irrespective of the conditions to the exercise of  
9 the option; and

10 (c) A promise or undertaking for the present or future delivery  
11 or procurement.

12 (21)(a) "Transaction involving the state" means a proceeding,  
13 application, submission, request for a ruling or other determination,  
14 contract, claim, case, or other similar matter that the state  
15 officer, state employee, or former state officer or state employee in  
16 question believes, or has reason to believe:

17 (i) Is, or will be, the subject of state action; or

18 (ii) Is one to which the state is or will be a party; or

19 (iii) Is one in which the state has a direct and substantial  
20 proprietary interest.

21 (b) "Transaction involving the state" does not include the  
22 following: Preparation, consideration, or enactment of legislation,  
23 including appropriation of moneys in a budget, or the performance of  
24 legislative duties by an officer or employee; or a claim, case,  
25 lawsuit, or similar matter if the officer or employee did not  
26 participate in the underlying transaction involving the state that is  
27 the basis for the claim, case, or lawsuit.

28 (22) "University" includes "state universities" and "regional  
29 universities" as defined in RCW 28B.10.016 and also includes any  
30 research or technology institute affiliated with a university,  
31 including without limitation, the Spokane intercollegiate research  
32 and technology institute and the Washington technology center.

33 (23) "University research employee" means a state officer or  
34 state employee employed by a university, but only to the extent the  
35 state officer or state employee is engaged in research, technology  
36 transfer, approved consulting activities related to research and  
37 technology transfer, or other incidental activities.

--- END ---