

SENATE BILL REPORT

SB 5170

As Reported by Senate Committee On:
State Government & Elections, January 20, 2023

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: Senators Hunt, Kuderer, Wilson, J., Hasegawa and Wilson, C..

Brief History:

Committee Activity: State Government & Elections: 1/13/23, 1/20/23 [DPS].

Brief Summary of First Substitute Bill

- Allows solicitation of gifts, grants, or donations to support conferences of national or regional legislative organizations held outside the state by certain legislators and staff.

SENATE COMMITTEE ON STATE GOVERNMENT & ELECTIONS

Majority Report: That Substitute Senate Bill No. 5170 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hunt, Chair; Valdez, Vice Chair; Wilson, J., Ranking Member; Dozier, Fortunato, Hasegawa and Kuderer.

Staff: Samuel Brown (786-7470)

Background: Ethics in Public Service Act. 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.

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.

Gifts Under the Ethics in Public Service Act Generally. The Ethics Act generally prohibits a state officer or employee from accepting the following in a single year:

- gifts with an aggregate value in excess of \$50 from a single source; or
- a single gift from multiple sources with a value in excess of \$50.

A state officer or employee is prohibited from accepting or soliciting any gift that could reasonably be expected to influence the recipient's vote, action, or judgment.

Exemptions. The Legislature has adopted a number of exemptions to the general rule. In these circumstances, the \$50 value threshold does not apply and the gift is presumed not to influence the recipient. Examples include the following:

- unsolicited flowers;
- unsolicited tokens or awards of appreciation;
- food and beverage consumed at a hosted reception related to official duties;
- unsolicited gifts from dignitaries from another state or country;
- admission, including food and beverages, to events sponsored by a civic, charitable, governmental, or community organization; and
- gifts solicited on behalf of national legislative associations, the National Lieutenant Governors' Association, or the National Association of State Treasurers to host an official conference in the state.

Summary of Bill: The bill as referred to committee not considered.

Summary of Bill (First Substitute): Legislators who serve as elected leaders of regional or national legislative associations and designated legislative employees may solicit gifts, grants, or donations to the regional or national legislative association for official conferences held outside the state. To qualify, the association must:

- exist for the purpose of supporting legislators in their official duties;
- include the Legislature as a member; and
- be supported in part by dues paid by the Legislature.

EFFECT OF CHANGES MADE BY STATE GOVERNMENT & ELECTIONS COMMITTEE (First Substitute):

Qualifying associations must include the Legislature exclusively, rather than individual legislators or staff, as a member.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Proposed Substitute: *The committee recommended a different version of the bill than what was heard.* PRO: This bill would allow legislators who are elected as chairs of national organizations to assist in raising money even if the organization holds a conference out of state.

Persons Testifying: PRO: Senator Sam Hunt, Prime Sponsor.

Persons Signed In To Testify But Not Testifying: No one.