

SSB 5785 - S AMD 279

By Senators Pedersen, Padden

ADOPTED 3/11/2015

1 Strike everything after the enacting clause and insert the
2 following:

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

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

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

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

18 (3) "Beneficial interest" has the meaning ascribed to it under
19 the Washington case law. However, an ownership interest in a mutual
20 fund or similar investment pooling fund in which the owner has no
21 management powers does not constitute a beneficial interest in the
22 entities in which the fund or pool invests.

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

27 (5) "Confidential information" means (a) specific information,
28 rather than generalized knowledge, that is not available to the
29 general public on request or (b) information made confidential by
30 law.

31 (6) "Contract" or "grant" means an agreement between two or more
32 persons that creates an obligation to do or not to do a particular
33 thing. "Contract" or "grant" includes, but is not limited to, an

1 employment contract, a lease, a license, a purchase agreement, or a
2 sales agreement.

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

5 (8) "Family" has the same meaning as "immediate family" in RCW
6 42.17A.005.

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

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

13 (b) Items related to the outside business of the recipient that
14 are customary and not related to the recipient's performance of
15 official duties;

16 (c) Items exchanged among officials and employees or a social
17 event hosted or sponsored by a state officer or state employee for
18 coworkers;

19 (d) Payments by a governmental or nongovernmental entity of
20 reasonable expenses incurred in connection with a speech,
21 presentation, appearance, or trade mission made in an official
22 capacity. As used in this subsection, "reasonable expenses" are
23 limited to travel, lodging, and subsistence expenses incurred the day
24 before through the day after the event;

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

27 (f) Payment of enrollment and course fees and reasonable travel
28 expenses attributable to attending seminars and educational programs
29 sponsored by a bona fide governmental or nonprofit professional,
30 educational, trade, or charitable association or institution. As used
31 in this subsection, "reasonable expenses" are limited to travel,
32 lodging, and subsistence expenses incurred the day before through the
33 day after the event;

34 (g) Items returned by the recipient to the donor within thirty
35 days of receipt or donated to a charitable organization within thirty
36 days of receipt;

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

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

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

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

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

12 (12) "Official duty" means: (a) For a state officer holding an
13 elective office, those duties ((within the specific scope of
14 employment of the state officer or state employee as defined by the
15 officer's or employee's agency or by statute or the state
16 Constitution)) prescribed in the state Constitution, state statutes,
17 or agency rules, legislatively funded or mandated authority and
18 responsibilities, and tasks or actions directly related to carrying
19 out the state officer's other official duties; and (b) for a state
20 employee or a state officer who is not holding an elective office,
21 those duties within the specific scope of employment of the state
22 officer or state employee as defined by the officer's or employee's
23 agency or by statute or the state Constitution.

24 (13) "Participate" means to participate in state action or a
25 proceeding personally and substantially as a state officer or state
26 employee, through approval, disapproval, decision, recommendation,
27 the rendering of advice, investigation, or otherwise but does not
28 include preparation, consideration, or enactment of legislation or
29 the performance of legislative duties.

30 (14) "Person" means any individual, partnership, association,
31 corporation, firm, institution, or other entity, whether or not
32 operated for profit.

33 (15) "Regulatory agency" means any state board, commission,
34 department, or officer, except those in the legislative or judicial
35 branches, authorized by law to conduct adjudicative proceedings,
36 issue permits or licenses, or to control or affect interests of
37 identified persons.

38 (16) "Responsibility" in connection with a transaction involving
39 the state, means the direct administrative or operating authority,
40 whether intermediate or final, and either exercisable alone or

1 through subordinates, effectively to approve, disapprove, or
2 otherwise direct state action in respect of such transaction.

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

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

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

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

13 (19) "State officer" means every person holding a position of
14 public trust in or under an executive, legislative, or judicial
15 office of the state. "State officer" includes judges of the superior
16 court, judges of the court of appeals, justices of the supreme court,
17 members of the legislature together with the secretary of the senate
18 and the chief clerk of the house of representatives, holders of
19 elective offices in the executive branch of state government, chief
20 executive officers of state agencies, members of boards, commissions,
21 or committees with authority over one or more state agencies or
22 institutions, and employees of the state who are engaged in
23 supervisory, policy-making, or policy-enforcing work. For the
24 purposes of this chapter, "state officer" also includes any person
25 exercising or undertaking to exercise the powers or functions of a
26 state officer.

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

29 (a) A loan, property interest, interest in a contract or other
30 chose in action, and employment or another arrangement involving a
31 right to compensation;

32 (b) An option, irrespective of the conditions to the exercise of
33 the option; and

34 (c) A promise or undertaking for the present or future delivery
35 or procurement.

36 (21)(a) "Transaction involving the state" means a proceeding,
37 application, submission, request for a ruling or other determination,
38 contract, claim, case, or other similar matter that the state
39 officer, state employee, or former state officer or state employee in
40 question believes, or has reason to believe:

1 (i) Is, or will be, the subject of state action; or
2 (ii) Is one to which the state is or will be a party; or
3 (iii) Is one in which the state has a direct and substantial
4 proprietary interest.

5 (b) "Transaction involving the state" does not include the
6 following: Preparation, consideration, or enactment of legislation,
7 including appropriation of moneys in a budget, or the performance of
8 legislative duties by an officer or employee; or a claim, case,
9 lawsuit, or similar matter if the officer or employee did not
10 participate in the underlying transaction involving the state that is
11 the basis for the claim, case, or lawsuit.

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

17 (23) "University research employee" means a state officer or
18 state employee employed by a university, but only to the extent the
19 state officer or state employee is engaged in research, technology
20 transfer, approved consulting activities related to research and
21 technology transfer, or other incidental activities."

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22 On page 1, line 2 of the title, after "officers;" strike the
23 remainder of the title and insert "and reenacting and amending RCW
24 42.52.010."

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