

ESSB 5178 - H COMM AMD  
By Committee on Appropriations

ADOPTED 04/24/2003

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

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 44.04 RCW  
4 to read as follows:

5 The legislative international trade account is created in the  
6 custody of the state treasurer. All moneys received by the president  
7 of the senate and the secretary of state from gifts, grants, and  
8 endowments for international trade hosting, international relations,  
9 and international missions activities must be deposited in the account.  
10 Only private, nonpublic gifts, grants, and endowments may be deposited  
11 in the account. A person, as defined in RCW 42.52.010, may not donate,  
12 gift, grant, or endow more than five thousand dollars per calendar year  
13 to the legislative international trade account. Expenditures from the  
14 account may be used only for the purposes of international trade  
15 hosting, international relations, and international trade mission  
16 activities, excluding travel and lodging, in which the president and  
17 members of the senate, members of the house of representatives, and the  
18 secretary of state participate in an official capacity. An  
19 appropriation is not required for expenditures. All requests by  
20 individual legislators for use of funds from this account must be first  
21 approved by the secretary of the senate for members of the senate or  
22 the chief clerk of the house of representatives for members of the  
23 house of representatives. All expenditures from the account shall be  
24 authorized by the final signed approval of the chief clerk of the house  
25 of representatives, the secretary of the senate, and the president of  
26 the senate.

27 NEW SECTION. **Sec. 2.** A new section is added to chapter 42.52 RCW  
28 to read as follows:

29 (1) When soliciting charitable gifts, grants, or donations solely

1 for the legislative international trade account created in section 1 of  
2 this act, the president of the senate is presumed not to be in  
3 violation of the solicitation and receipt of gift provisions in RCW  
4 42.52.140.

5 (2) When soliciting charitable gifts, grants, or donations solely  
6 for the legislative international trade account created in section 1 of  
7 this act, state officers and state employees are presumed not to be in  
8 violation of the solicitation and receipt of gift provisions in RCW  
9 42.52.140.

10 (3) An annual report of the legislative international trade account  
11 activities, including a list of receipts and expenditures, shall be  
12 published by the president of the senate and submitted to the house of  
13 representatives and the senate and be a public record for the purposes  
14 of RCW 42.17.260.

15 **Sec. 3.** RCW 42.52.150 and 1998 c 7 s 2 are each amended to read as  
16 follows:

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

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

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

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

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

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

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

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

14 (g) Gifts, grants, conveyances, bequests, and devises of real or  
15 personal property, or both, in trust or otherwise accepted and  
16 solicited for deposit in the legislative international trade account  
17 created in section 1 of this act;

18 (h) Admission to, and the cost of food and beverages consumed at,  
19 events sponsored by or in conjunction with a civic, charitable,  
20 governmental, or community organization; and

21 ((+h)) (i) Unsolicited gifts from dignitaries from another state  
22 or a foreign country that are intended to be personal in nature.

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

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

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

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

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

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

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

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

13 (g) Those items excluded from the definition of gift in RCW  
14 42.52.010 except:

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

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

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

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

28 Correct the title.

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