

SHB 1173 - S AMD 358
By Senator West

ADOPTED 04/17/2003

1 On page 3, after line 34, insert the following:

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

4 The legislative international trade account is created in the
5 custody of the state treasurer. All moneys received by the president
6 of the senate from gifts, grants, and endowments for international
7 trade hosting and missions activities must be deposited in the account.
8 Only private, nonpublic gifts, grants, and endowments may be deposited
9 in the account. Expenditures from the account may be used only for the
10 purposes of international trade hosting and international trade mission
11 activities, excluding travel and lodging, in which the president and
12 members of the senate and members of the house of representatives
13 participate in an official capacity. Only the president of the senate
14 may authorize expenditures from the account. An appropriation is not
15 required for expenditures. All requests by individual legislators for
16 use of funds from this account must be first approved by the secretary
17 of the senate for members of the senate or the chief clerk of the house
18 of representatives for members of the house of representatives prior to
19 final approval by the president of the senate.

20 NEW SECTION. **Sec. 5.** A new section is added to chapter 42.52 RCW
21 to read as follows:

22 (1) When soliciting charitable gifts, grants, or donations solely
23 for the legislative international trade account created in section 4 of
24 this act, the president of the senate is presumed not to be in
25 violation of the solicitation and receipt of gift provisions in RCW
26 42.52.140.

27 (2) When soliciting charitable gifts, grants, or donations solely
28 for the legislative international trade account created in section 4 of
29 this act, state officers and state employees are presumed not to be in

1 violation of the solicitation and receipt of gift provisions in RCW
2 42.52.140.

3 **Sec. 6.** RCW 42.52.150 and 1998 c 7 s 2 are each amended to read as
4 follows:

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

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

- 24 (a) Unsolicited flowers, plants, and floral arrangements;
- 25 (b) Unsolicited advertising or promotional items of nominal value,
26 such as pens and note pads;
- 27 (c) Unsolicited tokens or awards of appreciation in the form of a
28 plaque, trophy, desk item, wall memento, or similar item;
- 29 (d) Unsolicited items received by a state officer or state employee
30 for the purpose of evaluation or review, if the officer or employee has
31 no personal beneficial interest in the eventual use or acquisition of
32 the item by the officer's or employee's agency;
- 33 (e) Informational material, publications, or subscriptions related
34 to the recipient's performance of official duties;
- 35 (f) Food and beverages consumed at hosted receptions where

1 attendance is related to the state officer's or state employee's
2 official duties;

3 (g) Gifts, grants, conveyances, bequests, and devises of real or
4 personal property, or both, in trust or otherwise accepted and
5 solicited for deposit in the legislative international trade account
6 created in section 4 of this act;

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

10 ((~~h~~)) (i) Unsolicited gifts from dignitaries from another state
11 or a foreign country that are intended to be personal in nature.

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

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

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

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

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

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

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

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

1 (g) Those items excluded from the definition of gift in RCW
2 42.52.010 except:
3 (i) Payments by a governmental or nongovernmental entity of
4 reasonable expenses incurred in connection with a speech, presentation,
5 appearance, or trade mission made in an official capacity;
6 (ii) Payments for seminars and educational programs sponsored by a
7 bona fide governmental or nonprofit professional, educational, trade,
8 or charitable association or institution; and
9 (iii) Flowers, plants, and floral arrangements.
10 (5) A state officer or state employee may accept gifts in the form
11 of food and beverage on infrequent occasions in the ordinary course of
12 meals where attendance by the officer or employee is related to the
13 performance of official duties. Gifts in the form of food and beverage
14 that exceed fifty dollars on a single occasion shall be reported as
15 provided in chapter 42.17 RCW."

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16 On page 1, line 2 of the title, after "representative;" strike the
17 remainder of the title and insert "amending RCW 43.332.005, 43.332.010,
18 and 42.52.150; adding a new section to chapter 43.332 RCW; adding a new
19 section to chapter 44.04 RCW; and adding a new section to chapter 42.52
20 RCW."

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