
ENGROSSED SENATE BILL 6093

State of Washington 58th Legislature 2003 1st Special Session

By Senators Kohl-Welles, Sheahan, Hale, Brown, T. Sheldon, Spanel,
Rossi, Zarelli, Benton, B. Sheldon and Shin

Read first time . Referred to .

1 AN ACT Relating to funding and expenditures for official
2 legislative association conferences; amending RCW 42.52.150; and adding
3 a new section to chapter 42.52 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 42.52 RCW
6 to read as follows:

7 When soliciting gifts, grants, or donations to host an official
8 conference within the state of Washington of a national legislative
9 association as approved by both the chief clerk and the secretary of
10 the senate, designated legislative officials and designated legislative
11 employees are presumed not to be in violation of the solicitation and
12 receipt of gift provisions in this chapter. For the purposes of this
13 section, any legislative association must include among its membership
14 the Washington state legislature or individual legislators or
15 legislative staff.

16 **Sec. 2.** RCW 42.52.150 and 2003 c 265 (ESSB 5178) s 3 and 2003 c
17 153 (2SHB 1973) s 6 are each amended to read as follows:

18 (1) No state officer or state employee may accept gifts, other than

1 those specified in subsections (2) and (5) of this section, with an
2 aggregate value in excess of fifty dollars from a single source in a
3 calendar year or a single gift from multiple sources with a value in
4 excess of fifty dollars. For purposes of this section, "single source"
5 means any person, as defined in RCW 42.52.010, whether acting directly
6 or through any agent or other intermediary, and "single gift" includes
7 any event, item, or group of items used in conjunction with each other
8 or any trip including transportation, lodging, and attendant costs, not
9 excluded from the definition of gift under RCW 42.52.010. The value of
10 gifts given to an officer's or employee's family member or guest shall
11 be attributed to the official or employee for the purpose of
12 determining whether the limit has been exceeded, unless an independent
13 business, family, or social relationship exists between the donor and
14 the family member or guest.

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

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

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

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

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

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

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

33 (g) Gifts, grants, conveyances, bequests, and devises of real or
34 personal property, or both, in trust or otherwise accepted and
35 solicited for deposit in the legislative international trade account
36 created in RCW 44.04.--- (section 1, chapter 265 (Engrossed Substitute
37 Senate Bill No. 5178), Laws of 2003);

1 (h) Gifts, grants, conveyances, bequests, and devises of real or
2 personal property, or both, in trust or otherwise accepted and
3 solicited for the purpose of promoting the expansion of tourism as
4 provided for in RCW 43.330.090;

5 (i) Gifts, grants, conveyances, bequests, and devises of real or
6 personal property, or both, solicited on behalf of a national
7 legislative association or host committee for the purpose of hosting an
8 official conference under the circumstances specified in section 1 of
9 this act. Anything solicited or accepted may only be received by the
10 national association or host committee and may not be commingled with
11 any funds or accounts that are the property of any person;

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

15 (~~(+j)~~) (k) Unsolicited gifts from dignitaries from another state
16 or a foreign country that are intended to be personal in nature.

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

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

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

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

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

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

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

6 (g) Those items excluded from the definition of gift in RCW
7 42.52.010 except:

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

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

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

15 (5) A state officer or state employee may accept gifts in the form
16 of food and beverage on infrequent occasions in the ordinary course of
17 meals where attendance by the officer or employee is related to the
18 performance of official duties. Gifts in the form of food and beverage
19 that exceed fifty dollars on a single occasion shall be reported as
20 provided in chapter 42.17 RCW.

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