

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 5178

58th Legislature
2003 Regular Session

Passed by the Senate April 26, 2003
YEAS 48 NAYS 0

President of the Senate

Passed by the House April 24, 2003
YEAS 84 NAYS 8

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Milton H. Doumit, Jr.,
Secretary of the Senate of the
State of Washington, do hereby
certify that the attached is
**ENGROSSED SUBSTITUTE SENATE BILL
5178** as passed by the Senate and
the House of Representatives on
the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 5178

AS AMENDED BY THE HOUSE

Passed Legislature - 2003 Regular Session

State of Washington 58th Legislature 2003 Regular Session

By Senate Committee on Commerce & Trade (originally sponsored by Senators Hewitt, T. Sheldon, Rasmussen, Franklin, Shin, Rossi, Hale and B. Sheldon; by request of Lieutenant Governor)

READ FIRST TIME 01/30/03.

1 AN ACT Relating to funding and expenditures for legislative trade
2 hosting and mission activities; amending RCW 42.52.150; adding a new
3 section to chapter 44.04 RCW; and adding a new section to chapter 42.52
4 RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 44.04 RCW
7 to read as follows:

8 The legislative international trade account is created in the
9 custody of the state treasurer. All moneys received by the president
10 of the senate and the secretary of state from gifts, grants, and
11 endowments for international trade hosting, international relations,
12 and international missions activities must be deposited in the account.
13 Only private, nonpublic gifts, grants, and endowments may be deposited
14 in the account. A person, as defined in RCW 42.52.010, may not donate,
15 gift, grant, or endow more than five thousand dollars per calendar year
16 to the legislative international trade account. Expenditures from the
17 account may be used only for the purposes of international trade
18 hosting, international relations, and international trade mission
19 activities, excluding travel and lodging, in which the president and

1 members of the senate, members of the house of representatives, and the
2 secretary of state participate in an official capacity. An
3 appropriation is not required for expenditures. All requests by
4 individual legislators for use of funds from this account must be first
5 approved by the secretary of the senate for members of the senate or
6 the chief clerk of the house of representatives for members of the
7 house of representatives. All expenditures from the account shall be
8 authorized by the final signed approval of the chief clerk of the house
9 of representatives, the secretary of the senate, and the president of
10 the senate.

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

13 (1) When soliciting charitable gifts, grants, or donations solely
14 for the legislative international trade account created in section 1 of
15 this act, the president of the senate is presumed not to be in
16 violation of the solicitation and receipt of gift provisions in RCW
17 42.52.140.

18 (2) When soliciting charitable gifts, grants, or donations solely
19 for the legislative international trade account created in section 1 of
20 this act, state officers and state employees are presumed not to be in
21 violation of the solicitation and receipt of gift provisions in RCW
22 42.52.140.

23 (3) An annual report of the legislative international trade account
24 activities, including a list of receipts and expenditures, shall be
25 published by the president of the senate and submitted to the house of
26 representatives and the senate and be a public record for the purposes
27 of RCW 42.17.260.

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

30 (1) No state officer or state employee may accept gifts, other than
31 those specified in subsections (2) and (5) of this section, with an
32 aggregate value in excess of fifty dollars from a single source in a
33 calendar year or a single gift from multiple sources with a value in
34 excess of fifty dollars. For purposes of this section, "single source"
35 means any person, as defined in RCW 42.52.010, whether acting directly
36 or through any agent or other intermediary, and "single gift" includes

1 any event, item, or group of items used in conjunction with each other
2 or any trip including transportation, lodging, and attendant costs, not
3 excluded from the definition of gift under RCW 42.52.010. The value of
4 gifts given to an officer's or employee's family member or guest shall
5 be attributed to the official or employee for the purpose of
6 determining whether the limit has been exceeded, unless an independent
7 business, family, or social relationship exists between the donor and
8 the family member or guest.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (g) Those items excluded from the definition of gift in RCW
25 42.52.010 except:

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

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

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

33 (5) A state officer or state employee may accept gifts in the form
34 of food and beverage on infrequent occasions in the ordinary course of
35 meals where attendance by the officer or employee is related to the
36 performance of official duties. Gifts in the form of food and beverage

1 that exceed fifty dollars on a single occasion shall be reported as
2 provided in chapter 42.17 RCW.

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