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HOUSE BILL 2089

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State of Washington                      59th Legislature                      2005 Regular Session

By Representatives Hunt, Haigh, Kirby, Armstrong, Nixon and Williams

Read first time 02/17/2005.                      Referred to Committee on State Government Operations & Accountability.

1            AN ACT Relating to changing the gift limitation for state officers  
2 and employees; and amending RCW 42.52.150.

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

4            **Sec. 1.** RCW 42.52.150 and 2003 1st sp.s. c 23 s 2 are each amended  
5 to read as follows:

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

1 limit has been exceeded, unless an independent business, family, or  
2 social relationship exists between the donor and the family member or  
3 guest.

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

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

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

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

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

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

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

22 (g) Gifts, grants, conveyances, bequests, and devises of real or  
23 personal property, or both, in trust or otherwise accepted and  
24 solicited for deposit in the legislative international trade account  
25 created in RCW 44.04.270;

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

30 (i) Gifts, grants, conveyances, bequests, and devises of real or  
31 personal property, or both, solicited on behalf of a national  
32 legislative association or host committee for the purpose of hosting an  
33 official conference under the circumstances specified in RCW 42.52.820.  
34 Anything solicited or accepted may only be received by the national  
35 association or host committee and may not be commingled with any funds  
36 or accounts that are the property of any person;

37 (j) Admission to, and the cost of food and beverages consumed at,

1 events sponsored by or in conjunction with a civic, charitable,  
2 governmental, or community organization; and

3 (k) Unsolicited gifts from dignitaries from another state or a  
4 foreign country that are intended to be personal in nature.

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

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

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

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

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

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

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

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

31 (g) Those items excluded from the definition of gift in RCW  
32 42.52.010 except:

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

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

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

2 (5) A state officer or state employee may accept gifts in the form  
3 of food and beverage on infrequent occasions in the ordinary course of  
4 meals where attendance by the officer or employee is related to the  
5 performance of official duties. Gifts in the form of food and beverage  
6 that exceed (~~fifty~~) seventy-five dollars on a single occasion shall  
7 be reported as provided in chapter 42.17 RCW.

8 (6) On January 1st of each even-numbered year beginning in 2006,  
9 the dollar limits in this section will be increased by ten dollars.

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