
SUBSTITUTE HOUSE BILL 2419

State of Washington

59th Legislature

2006 Regular Session

By House Committee on State Government Operations & Accountability
(originally sponsored by Representatives Haigh, Nixon, Clibborn and
McDermott; by request of Lieutenant Governor)

READ FIRST TIME 01/27/06.

1 AN ACT Relating to hosting the national conference of lieutenant
2 governors; amending RCW 42.52.150; creating new sections; and declaring
3 an emergency.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that due to the
6 massive devastation inflicted on the city of New Orleans by hurricane
7 Katrina on August 29, 2005, the city of New Orleans will not be able to
8 meet its obligation to host the national lieutenant governors'
9 association's annual conference scheduled for July 17 through July 19,
10 2006. As a result of this unfortunate situation, the members of the
11 national lieutenant governors' association officially pressed to have
12 Washington state host the next annual conference in Seattle,
13 Washington, and lieutenant governor Brad Owen has agreed to do so. The
14 legislature further finds, in recognition of the unprecedented
15 situation created by this natural disaster, the high national
16 visibility of this important event, and due to the limited amount of
17 time remaining for planning and fund-raising, it is necessary to
18 initiate fund-raising activities for this national conference as soon
19 as possible.

1 NEW SECTION. **Sec. 2.** When soliciting gifts, grants, or donations
2 solely for the purpose of hosting the 2006 official conference of the
3 national lieutenant governors' association to be held in Seattle,
4 Washington, as approved by the lieutenant governor of the state of
5 Washington, the lieutenant governor, and his or her staff designated by
6 the lieutenant governor for this purpose, are presumed not to be in
7 violation of the solicitation, receipt of gift, and conflict of
8 interests with official duties provisions in chapter 42.52 RCW. For
9 the purposes of this section, the national lieutenant governors'
10 association must include among its membership the Washington state
11 lieutenant governor. The solicitation of gifts, grants, or donations
12 for the purpose of hosting the 2006 lieutenant governors' conference is
13 considered an official duty.

14 **Sec. 3.** RCW 42.52.150 and 2003 1st sp.s. c 23 s 2 are each amended
15 to read as follows:

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

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

- 35 (a) Unsolicited flowers, plants, and floral arrangements;
- 36 (b) Unsolicited advertising or promotional items of nominal value,
37 such as pens and note pads;

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

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

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

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

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

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

20 (i) Gifts, grants, conveyances, bequests, and devises of real or
21 personal property, or both, solicited on behalf of a national
22 legislative association, 2006 official conference of the national
23 lieutenant governors' association, or host committee for the purpose of
24 hosting an official conference under the circumstances specified in RCW
25 42.52.820 and section 2, chapter . . . , Laws of 2006 (section 2 of this
26 act). Anything solicited or accepted may only be received by the
27 national association or host committee and may not be commingled with
28 any funds or accounts that are the property of any person;

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

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

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

37 (4) Notwithstanding subsections (2) and (5) of this section, a
38 state officer or state employee of a regulatory agency or of an agency

1 that seeks to acquire goods or services who participates in those
2 regulatory or contractual matters may receive, accept, take, or seek,
3 directly or indirectly, only the following items from a person
4 regulated by the agency or from a person who seeks to provide goods or
5 services to the agency:

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

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

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

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

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

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

22 (g) Those items excluded from the definition of gift in RCW
23 42.52.010 except:

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

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

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

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

1 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
2 preservation of the public peace, health, or safety, or support of the
3 state government and its existing public institutions, and takes effect
4 immediately.

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