

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 2419**

59th Legislature  
2006 Regular Session

Passed by the House January 30, 2006  
Yeas 93 Nays 2

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**Speaker of the House of Representatives**

Passed by the Senate February 1, 2006  
Yeas 48 Nays 0

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**President of the Senate**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2419** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE HOUSE BILL 2419**

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Passed Legislature - 2006 Regular Session

**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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