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HOUSE BILL 1157

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State of Washington

60th Legislature

2007 Regular Session

By Representative Hurst

Read first time 01/11/2007. Referred to Committee on State Government & Tribal Affairs.

1 AN ACT Relating to the acceptance of gifts by state officers and  
2 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 2006 c 5 s 3 are each amended to read as  
5 follows:

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

1 ~~independent business, family, or social relationship exists between the~~  
2 ~~donor and the family member or guest)).~~

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

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

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

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

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

18 (f) 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 (g) Gifts, grants, conveyances, bequests, and devises of real or  
22 personal property, or both, in trust or otherwise accepted and  
23 solicited for deposit in the legislative international trade account  
24 created in RCW ~~((44.04.270))~~ 43.15.050;

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

29 ~~((Gifts, grants, conveyances, bequests, and devises of real or~~  
30 ~~personal property, or both, solicited on behalf of a national~~  
31 ~~legislative association, 2006 official conference of the national~~  
32 ~~lieutenant governors' association, or host committee for the purpose of~~  
33 ~~hosting an official conference under the circumstances specified in RCW~~  
34 ~~42.52.820 and section 2, chapter 5, Laws of 2006. Anything solicited~~  
35 ~~or accepted may only be received by the national association or host~~  
36 ~~committee and may not be commingled with any funds or accounts that are~~  
37 ~~the property of any person;~~

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

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

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

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

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

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

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

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

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

29       (f) 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       (g) Those items excluded from the definition of gift in RCW  
33 42.52.010 except:

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

37       (ii) Payments for seminars and educational programs sponsored by a

1 bona fide governmental or nonprofit professional, educational, trade,  
2 or charitable association or institution; and

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

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

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