CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5996

Chapter 408, Laws of 2003

(partial veto)

58th Legislature
2003 Regular Session

NCSL--2005 CONFERENCE

EFFECTIVE DATE: 7/27/03

Passed by the Senate March 16, 2003
YEAS 48 NAYS 0

BRAD OWEN
President of the Senate

Passed by the House April 11, 2003
YEAS 76 NAYS 13

FRANK CHOPP
Speaker of the House of Representatives

Approved May 20, 2003, with the exception of sections 3 and 4, which are vetoed.

I, Milton H. Doumit, Jr., Secretary of the Senate of the State of Washington, do hereby certify that the attached is SUBSTITUTE SENATE BILL 5996 as passed by the Senate and the House of Representatives on the dates hereon set forth.

MILTON H. DOUMIT JR.
Secretary

FILED
May 20, 2003 - 4:00 p.m.

GARY LOCKE
Governor of the State of Washington

Secretary of State
State of Washington
AN ACT Relating to hosting the 2005 conference of the national conference of state legislatures and other government conferences; creating new sections; amending RCW 42.52.150; adding a new section to chapter 42.52 RCW; and providing an expiration date.

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

NEW SECTION. Sec. 1. The legislature will host the 2005 annual meeting of the national conference of state legislatures, and finds that the annual meeting will attract millions of dollars in economic benefits to the state. The purpose of this act is to establish a committee to take the lead role in hosting the annual meeting.

NEW SECTION. Sec. 2. (1) For purposes of this section:
(a) "NCSL" means the national conference of state legislatures; and
(b) "Hosting" or "hosting the 2005 NCSL annual meeting" means doing those things necessary to plan, prepare, facilitate, and wind down the 2005 NCSL annual meeting.
(2) There is hereby created a committee to plan and host the 2005 convention of the NCSL in Seattle, to be known as the 2005 NCSL host committee.
The 2005 NCSL host committee account is created in the custody of the state treasurer. All receipts designated for the account from appropriations and from other sources must be deposited into the account. Expenditures from the account may be used only to finance the activities of the 2005 NCSL host committee. Only the cochairs of the 2005 NCSL host committee or the cochairs' designee may authorize expenditures from the account when authorized to do so by the committee. An appropriation is not required for expenditures from the account.

The 2005 NCSL host committee may:

(a) Authorize the cochairs of the committee or the cochairs' designee to expend funds from the 2005 NCSL host committee account for the limited purposes of hosting the 2005 NCSL convention;

(b) Accept monetary donations, grants, and in-kind donations. Moneys received under this section must be deposited in the 2005 NCSL host committee account;

(c) Engage in or encourage fund-raising activities including the solicitation of gifts, grants, or donations specifically for the limited purposes of hosting the 2005 NCSL convention; and

(d) Establish subcommittees as the committee deems necessary to accomplish the purposes of hosting the 2005 NCSL annual meeting.

The membership of the committee shall include: (a) Four members of the senate, including the leader of the majority party and another member of the majority party appointed by the majority party leader, and the leader of the minority party and another member of the minority party appointed by the minority party leader; (b) four members of the house of representatives, including the speaker and another member of the majority party appointed by the speaker, and the leader of the minority party and another member of the minority party appointed by its leader; (c) the lieutenant governor; (d) the secretary of the senate; (e) the chief clerk of the house of representatives; and (f) two former members of the legislature, one from each major political party, appointed by a majority of the members of the committee.

The majority leader of the senate and the speaker of the house of representatives shall serve as cochairs of the committee.

The committee shall receive necessary support from the staff
and resources of the senate and the house of representatives, and may
to obtain additional resources by contract.

(8) Legislator members of the committee shall be reimbursed for
travel expenses provided in RCW 44.04.120. The lieutenant governor and
the citizen members of the committee shall be reimbursed for travel
expenses as provided in RCW 43.03.050 and 43.03.060.

*NEW SECTION. Sec. 3. A new section is added to chapter 42.52 RCW
to read as follows:

When soliciting gifts, grants, or donations solely to host a
government conference, state officers and state employees are presumed
not to be in violation of the solicitation and receipt of gift
provisions in this chapter.

*Sec. 3 was vetoed. See message at end of chapter.

*Sec. 4. RCW 42.52.150 and 1998 c 7 s 2 are each amended to read as
follows:

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

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

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

(b) Unsolicited advertising or promotional items of nominal value,
such as pens and note pads;
(c) Unsolicited tokens or awards of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item;

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

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

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

(g) Gifts, grants, conveyances, bequests, and devises of real or personal property, or both, in trust or otherwise accepted and solicited for the purpose of hosting a government conference;

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

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

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

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

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

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

(c) Unsolicited items received by a state officer or state employee for the purpose of evaluation or review, if the officer or employee has no personal beneficial interest in the eventual use or acquisition of the item by the officer's or employee's agency;
(d) Informational material, publications, or subscriptions related
to the recipient's performance of official duties;

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

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

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

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

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

(iii) Flowers, plants, and floral arrangements.

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

*Sec. 4 was vetoed. See message at end of chapter.

NEW SECTION. Sec. 5. Sections 1 and 2 of this act expire December
31, 2005.

Passed by the Senate March 16, 2003.
Passed by the House April 11, 2003.
Approved by the Governor May 20, 2003, with the exception of
certain items that were vetoed.
Filed in Office of Secretary of State May 20, 2003.

Note: Governor's explanation of partial veto is as follows:
"I am returning herewith, without my approval as to sections 3 and 4,
Substitute Senate Bill No. 5996 entitled:

"AN ACT Relating to hosting the 2005 conference of the national
conference of state legislatures and other government conferences;"
This bill establishes a host committee for the 2005 annual meeting of
the National Conference of State Legislatures (NCSL). It also amends
the Ethics Act to allow the solicitation and acceptance of gifts for
the purpose of hosting a government conference.

Section 3 would have established a presumption that state officers
and employees are not in violation of the Ethics Act when soliciting
gifts, grants or donations to host a government conference. Section
4 would have also exempted these gifts from the ordinary fifty-dollar limit. Sections 3 and 4 are too broad and not necessary to accomplish the primary objectives of the bill, which are to establish a host committee for the 2005 NCSL conference and to allow legislators on the committee to solicit contributions in excess of fifty dollars for the conference.

RCW 42.52.010(10)(e) of the Ethics Act specifies that a "gift" does not include "items a state officer or state employee is authorized by law to accept." Because section 2 of this bill authorizes the host committee to engage in fundraising activities, these activities are not considered a gift for purposes of the Ethics Act. Thus, sections 3 and 4 of the bill are not necessary.

Aside from being unnecessary to meet the primary objectives of this bill, sections 3 and 4 are too broad. They exempt fundraising for the hosting of any government conference, without limitation, from existing restrictions on the solicitation of gifts. The potential for abuse of this broad exemption concerns me.

For these reasons, I have vetoed sections 3 and 4 of Substitute Senate Bill No. 5996.

With the exception of sections 3 and 4, Substitute Senate Bill No. 5996 is approved."