
ENGROSSED SUBSTITUTE SENATE BILL 5178

State of Washington

58th Legislature

2003 Regular Session

By Senate Committee on Commerce & Trade (originally sponsored by Senators Hewitt, T. Sheldon, Rasmussen, Franklin, Shin, Rossi, Hale and B. Sheldon; by request of Lieutenant Governor)

READ FIRST TIME 01/30/03.

1 AN ACT Relating to funding and expenditures for legislative trade
2 hosting and mission activities; amending RCW 42.52.150; adding a new
3 section to chapter 44.04 RCW; and adding a new section to chapter 42.52
4 RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 44.04 RCW
7 to read as follows:

8 The legislative international trade account is created in the
9 custody of the state treasurer. All moneys received by the president
10 of the senate from gifts, grants, and endowments for international
11 trade hosting and missions activities must be deposited in the account.
12 Only private, nonpublic gifts, grants, and endowments may be deposited
13 in the account. Expenditures from the account may be used only for the
14 purposes of international trade hosting and international trade mission
15 activities, excluding travel and lodging, in which the president and
16 members of the senate and members of the house of representatives
17 participate in an official capacity. Only the president of the senate

1 may authorize expenditures from the account. An appropriation is not
2 required for expenditures. All requests by individual legislators for
3 use of funds from this account must be first approved by the secretary
4 of the senate for members of the senate or the chief clerk of the house
5 of representatives for members of the house of representatives prior to
6 final approval by the president of the senate.

7 NEW SECTION. **Sec. 2.** A new section is added to chapter 42.52 RCW
8 to read as follows:

9 (1) When soliciting charitable gifts, grants, or donations solely
10 for the legislative international trade account created in section 1 of
11 this act, the president of the senate is presumed not to be in
12 violation of the solicitation and receipt of gift provisions in RCW
13 42.52.140.

14 (2) When soliciting charitable gifts, grants, or donations solely
15 for the legislative international trade account created in section 1 of
16 this act, state officers and state employees are presumed not to be in
17 violation of the solicitation and receipt of gift provisions in RCW
18 42.52.140.

19 **Sec. 3.** RCW 42.52.150 and 1998 c 7 s 2 are each amended to read as
20 follows:

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

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

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

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

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

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

16 (f) 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 (g) Gifts, grants, conveyances, bequests, and devises of real or
20 personal property, or both, in trust or otherwise accepted and
21 solicited for deposit in the legislative international trade account
22 created in section 1 of this act;

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

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

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

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

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

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

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

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

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

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

17 (g) Those items excluded from the definition of gift in RCW
18 42.52.010 except:

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

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

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

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

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