

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

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**President of the Senate**

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

FRANK CHOPP

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**Speaker of the House of Representatives**

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

GARY LOCKE

\_\_\_\_\_  
**Governor of the State of Washington**

CERTIFICATE

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.

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**Secretary**

FILED

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

**Secretary of State  
State of Washington**

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**SUBSTITUTE SENATE BILL 5996**

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Passed Legislature - 2003 Regular Session

**State of Washington**

**58th Legislature**

**2003 Regular Session**

**By** Senate Committee on Economic Development (originally sponsored by Senators West, Brown, Kohl-Welles, T. Sheldon, Shin, Hale, Rossi, Fairley, Spanel, Franklin, Parlette, McAuliffe, Rasmussen and Winsley)

READ FIRST TIME 03/05/03.

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

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

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

11       NEW SECTION.   **Sec. 2.** (1) For purposes of this section:

12       (a) "NCSL" means the national conference of state legislatures; and

13       (b) "Hosting" or "hosting the 2005 NCSL annual meeting" means doing  
14 those things necessary to plan, prepare, facilitate, and wind down the  
15 2005 NCSL annual meeting.

16       (2) There is hereby created a committee to plan and host the 2005  
17 convention of the NCSL in Seattle, to be known as the 2005 NCSL host  
18 committee.

1 (3) The 2005 NCSL host committee account is created in the custody  
2 of the state treasurer. All receipts designated for the account from  
3 appropriations and from other sources must be deposited into the  
4 account. Expenditures from the account may be used only to finance the  
5 activities of the 2005 NCSL host committee. Only the cochairs of the  
6 2005 NCSL host committee or the cochairs' designee may authorize  
7 expenditures from the account when authorized to do so by the  
8 committee. An appropriation is not required for expenditures from the  
9 account.

10 (4) The 2005 NCSL host committee may:

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

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

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

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

22 (5) The membership of the committee shall include: (a) Four  
23 members of the senate, including the leader of the majority party and  
24 another member of the majority party appointed by the majority party  
25 leader, and the leader of the minority party and another member of the  
26 minority party appointed by the minority party leader; (b) four members  
27 of the house of representatives, including the speaker and another  
28 member of the majority party appointed by the speaker, and the leader  
29 of the minority party and another member of the minority party  
30 appointed by its leader; (c) the lieutenant governor; (d) the secretary  
31 of the senate; (e) the chief clerk of the house of representatives; and  
32 (f) two former members of the legislature, one from each major  
33 political party, appointed by a majority of the members of the  
34 committee.

35 (6) The majority leader of the senate and the speaker of the house  
36 of representatives shall serve as cochairs of the committee.

37 (7) The committee shall receive necessary support from the staff

1 and resources of the senate and the house of representatives, and may  
2 obtain additional resources by contract.

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

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

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

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

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

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

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

- 34 ***(a) Unsolicited flowers, plants, and floral arrangements;***  
35 ***(b) Unsolicited advertising or promotional items of nominal value,  
36 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 the purpose of hosting a government conference;

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

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

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

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

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

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

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

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

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

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

9 (g) Those items excluded from the definition of gift in RCW  
10 42.52.010 except:

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

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

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

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

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

24 NEW SECTION. Sec. 5. Sections 1 and 2 of this act expire December  
25 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."