
SUBSTITUTE SENATE BILL 6245

State of Washington

59th Legislature

2006 Regular Session

By Senate Committee on Government Operations & Elections (originally sponsored by Senators Kastama, Roach, Pflug, Parlette, Shin and Kohl-Welles; by request of Lieutenant Governor)

READ FIRST TIME 01/20/06.

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. Lieutenant Governor Brad Owen has agreed to assist New
14 Orleans by hosting the 2006 national lieutenant governors'
15 association's annual conference. The legislature further finds, in
16 recognition of the unprecedented situation created by this natural
17 disaster, the high national visibility of this important event, and due
18 to the limited amount of time remaining for planning and fund-raising,
19 it is necessary to initiate fund-raising activities for this national

1 conference as soon as possible and with the assurance that all
2 statewide elected officials, legislators, and authorized executive and
3 legislative staff are allowed to solicit the necessary donations to
4 effectively host this event.

5 NEW SECTION. **Sec. 2.** When soliciting gifts, grants, or donations
6 to host the 2006 official conference of the national lieutenant
7 governors' association to be held in Seattle, Washington, as approved
8 by the lieutenant governor of the state of Washington, the lieutenant
9 governor, and his or her staff designated by the lieutenant governor
10 for this purpose, are presumed not to be in violation of the
11 solicitation and receipt of gift provisions in chapter 42.52 RCW. For
12 the purposes of this section, the national lieutenant governors'
13 association must include among its membership the Washington state
14 lieutenant governor.

15 **Sec. 3.** RCW 42.52.150 and 2003 1st sp.s. c 23 s 2 are each amended
16 to read as follows:

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

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

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

- 1 (b) Unsolicited advertising or promotional items of nominal value,
2 such as pens and note pads;
- 3 (c) Unsolicited tokens or awards of appreciation in the form of a
4 plaque, trophy, desk item, wall memento, or similar item;
- 5 (d) 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 (e) Informational material, publications, or subscriptions related
10 to the recipient's performance of official duties;
- 11 (f) 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 (g) Gifts, grants, conveyances, bequests, and devises of real or
15 personal property, or both, in trust or otherwise accepted and
16 solicited for deposit in the legislative international trade account
17 created in RCW 44.04.270;
- 18 (h) Gifts, grants, conveyances, bequests, and devises of real or
19 personal property, or both, in trust or otherwise accepted and
20 solicited for the purpose of promoting the expansion of tourism as
21 provided for in RCW 43.330.090;
- 22 (i) Gifts, grants, conveyances, bequests, and devises of real or
23 personal property, or both, solicited on behalf of a national
24 legislative association, 2006 official conference of the national
25 lieutenant governors' association, or host committee for the purpose of
26 hosting an official conference under the circumstances specified in RCW
27 42.52.820 and section 2, chapter . . . , Laws of 2006 (section 2 of this
28 act). Anything solicited or accepted may only be received by the
29 national association or host committee and may not be commingled with
30 any funds or accounts that are the property of any person;
- 31 (j) Admission to, and the cost of food and beverages consumed at,
32 events sponsored by or in conjunction with a civic, charitable,
33 governmental, or community organization; and
- 34 (k) Unsolicited gifts from dignitaries from another state or a
35 foreign country that are intended to be personal in nature.
- 36 (3) The presumption in subsection (2) of this section is rebuttable
37 and may be overcome based on the circumstances surrounding the giving
38 and acceptance of the item.

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

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

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

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

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

24 (g) Those items excluded from the definition of gift in RCW
25 42.52.010 except:

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

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

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

33 (5) A state officer or state employee may accept gifts in the form
34 of food and beverage on infrequent occasions in the ordinary course of
35 meals where attendance by the officer or employee is related to the
36 performance of official duties. Gifts in the form of food and beverage
37 that exceed fifty dollars on a single occasion shall be reported as
38 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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