

---

SENATE BILL 6245

---

State of Washington

59th Legislature

2006 Regular Session

By Senators Kastama, Roach, Pflug, Parlette, Shin and Kohl-Welles; by request of Lieutenant Governor

Read first time 01/10/2006. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to hosting a national conference of statewide  
2 elected officials; amending RCW 42.52.820 and 42.52.150; creating a new  
3 section; and declaring 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  
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 **Sec. 2.** RCW 42.52.820 and 2003 1st sp.s. c 23 s 1 are each amended  
6 to read as follows:

7 When soliciting gifts, grants, or donations to host an official  
8 conference within the state of Washington of (1) a national legislative  
9 association or (2) an official conference of statewide elected  
10 officials, as approved by both the chief clerk and the secretary of the  
11 senate, designated executive and legislative officials and designated  
12 executive and legislative employees are presumed not to be in violation  
13 of the solicitation and receipt of gift provisions in this chapter.  
14 For the purposes of this section, any legislative association or  
15 conference of statewide elected officials must include among its  
16 membership the Washington state legislature (~~(or)~~), a Washington  
17 official elected statewide, individual legislators, or executive or  
18 legislative staff.

19 **Sec. 3.** RCW 42.52.150 and 2003 1st sp.s. c 23 s 2 are each amended  
20 to read as 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 RCW 44.04.270;

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

27 (i) Gifts, grants, conveyances, bequests, and devises of real or  
28 personal property, or both, solicited on behalf of a national  
29 legislative association, conference of statewide elected officials, or  
30 host committee for the purpose of hosting an official conference under  
31 the circumstances specified in RCW 42.52.820. Anything solicited or  
32 accepted may only be received by the national association or host  
33 committee and may not be commingled with any funds or accounts that are  
34 the property of any person;

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

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

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

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

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

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

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

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

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

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

29 (g) Those items excluded from the definition of gift in RCW  
30 42.52.010 except:

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

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

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

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

7 NEW SECTION. **Sec. 4.** This act is necessary because of the  
8 unfortunate devastation caused to the city of New Orleans by Hurricane  
9 Katrina and our state's willingness to assist the people of New Orleans  
10 by agreeing to host the national lieutenant governors' association  
11 annual conference on short notice. This act is necessary for the  
12 immediate support of state government and its existing public  
13 institutions and takes effect immediately.

--- END ---