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SENATE BILL 5383

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State of Washington

64th Legislature

2015 Regular Session

By Senators Hatfield, Becker, and McAuliffe

Read first time 01/21/15. Referred to Committee on Government Operations & State Security.

1 AN ACT Relating to limitations on gifts in the form of food and  
2 beverage; and amending RCW 42.52.150.

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

4 **Sec. 1.** RCW 42.52.150 and 2011 c 60 s 29 are each amended to  
5 read as follows:

6 (1) No state officer or state employee may accept gifts, other  
7 than those specified in subsections (2) and (5) of this section, with  
8 an aggregate value in excess of fifty dollars from a single source in  
9 a calendar year or a single gift from multiple sources with a value  
10 in excess of fifty dollars. For purposes of this section, "single  
11 source" means any person, as defined in RCW 42.52.010, whether acting  
12 directly or through any agent or other intermediary, and "single  
13 gift" includes any event, item, or group of items used in conjunction  
14 with each other or any trip including transportation, lodging, and  
15 attendant costs, not excluded from the definition of gift under RCW  
16 42.52.010. The value of gifts given to an officer's or employee's  
17 family member or guest shall be attributed to the official or  
18 employee for the purpose of determining whether the limit has been  
19 exceeded, unless an independent business, family, or social  
20 relationship exists between the donor and 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,  
3 and may be accepted without regard to the limit established by  
4 subsection (1) of this section:

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

6 (b) Unsolicited advertising or promotional items of nominal  
7 value, 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  
11 employee for the purpose of evaluation or review, if the officer or  
12 employee has no personal beneficial interest in the eventual use or  
13 acquisition of the item by the officer's or employee's agency;

14 (e) Informational material, publications, or subscriptions  
15 related 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 43.15.050;

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, 2006 official conference of the national  
30 lieutenant governors' association, or host committee for the purpose  
31 of hosting an official conference under the circumstances specified  
32 in RCW 42.52.820 and section 2, chapter 5, Laws of 2006. Anything  
33 solicited or accepted may only be received by the national  
34 association or host committee and may not be commingled with any  
35 funds or accounts that are the property of any person;

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

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

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

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

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

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

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

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

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

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

27 (g) Those items excluded from the definition of gift in RCW  
28 42.52.010 except:

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

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

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

37 (5) A state officer or state employee may accept gifts in the  
38 form of food and beverage on infrequent occasions in the ordinary  
39 course of meals where attendance by the officer or employee is  
40 related to the performance of official duties. Gifts in the form of

1 food and beverage that exceed fifty dollars on a single occasion  
2 shall be reported as provided in chapter 42.17A RCW. Gifts in the  
3 form of food and beverage may be considered to be made on infrequent  
4 occasions under rules adopted by the legislative ethics board only if  
5 the gift is reported as provided in chapter 42.17A RCW.

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