

2SHB 1973 - S COMM AMD

By Committee on Economic Development

ADOPTED 04/16/2003

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that tourism is a
4 growing sector of the Washington economy. Washington has a diverse
5 geography, geology, climate, and natural resources, and offers abundant
6 opportunities for wildlife viewing. Nature-based tourism is the
7 fastest growing outdoor activity and segment of the travel industry and
8 the state can take advantage of this by marketing Washington's natural
9 assets to international as well as national tourist markets. Expanding
10 tourism efforts can provide Washington residents with jobs and local
11 communities with needed revenues.

12 The legislature also finds that current efforts to promote
13 Washington's natural resources and nature-based tourism to national and
14 international markets are too diffuse and limited by funding and that
15 a collaborative effort among state and local governments, tribes, and
16 private enterprises can serve to leverage the investments in nature-
17 based tourism made by each.

18 **Sec. 2.** RCW 43.330.090 and 1998 c 245 s 85 are each amended to
19 read as follows:

20 (1) The department shall work with private sector organizations,
21 local governments, local ((~~economic~~)) associate development
22 organizations, and higher education and training institutions to assist
23 in the development of strategies to diversify the economy, facilitate
24 technology transfer and diffusion, and increase value-added production
25 by focusing on targeted sectors. The targeted sectors may include, but
26 are not limited to, software, forest products, biotechnology,
27 environmental industries, recycling markets and waste reduction,
28 aerospace, food processing, tourism, film and video, microelectronics,
29 new materials, robotics, and machine tools. The department shall, on

1 a continuing basis, evaluate the potential return to the state from
2 devoting additional resources to a targeted sector's approach to
3 economic development and including additional sectors in its efforts.
4 The department shall use information gathered in each service delivery
5 region in formulating its sectoral strategies and in designating new
6 targeted sectors.

7 (2) The department shall (~~ensure that the state continues to~~)
8 pursue a coordinated program to expand the tourism industry throughout
9 the state in cooperation with the public and private tourism
10 development organizations. (~~The department shall work to provide a~~
11 ~~balance of tourism activities throughout the state and during different~~
12 ~~seasons of the year. In addition,~~) The department, in operating its
13 tourism program, shall:

14 (a) Promote Washington as a tourism destination to national and
15 international markets to include nature-based and wildlife viewing
16 tourism;

17 (b) Provide information to businesses and local communities on
18 tourism opportunities that could expand local revenues;

19 (c) Assist local communities to strengthen their tourism
20 partnerships, including their relationships with state and local
21 agencies;

22 (d) Provide leadership training and assistance to local communities
23 to facilitate the development and implementation of local tourism
24 plans;

25 (e) Coordinate the development of a statewide tourism and marketing
26 plan. The department's tourism planning efforts shall be carried out
27 in conjunction with public and private tourism development
28 organizations including the department of fish and wildlife and other
29 appropriate agencies. The plan shall specifically address mechanisms
30 for: (i) Funding national and international marketing and nature-based
31 tourism efforts; (ii) interagency cooperation; and (iii) integrating
32 the state plan with local tourism plans.

33 (3) The department may, in carrying out its efforts to expand the
34 tourism industry in the state:

35 (a) Solicit and receive gifts, grants, funds, fees, and endowments,
36 in trust or otherwise, from tribal, local or other governmental
37 entities, as well as private sources, and may expend the same or any

1 income therefrom for tourism purposes. All revenue received for
2 tourism purposes shall be deposited into the tourism development and
3 promotion account created in RCW 43.330.094;

4 (b) Host conferences and strategic planning workshops relating to
5 the promotion of nature-based and wildlife viewing tourism;

6 (c) Conduct or contract for tourism-related studies;

7 (d) Contract with individuals, businesses, or public entities to
8 carry out its tourism-related activities under this section;

9 (e) Provide tourism-related organizations with marketing and other
10 technical assistance;

11 (f) Evaluate and make recommendations on proposed tourism-related
12 policies.

13 (4) The department shall promote, market, and encourage growth in
14 the production of films and videos, as well as television commercials
15 within the state; to this end the department is directed to assist in
16 the location of a film and video production studio within the state.

17 ~~((+3))~~ (5) In assisting in the development of a targeted sector,
18 the department's activities may include, but are not limited to:

19 (a) Conducting focus group discussions, facilitating meetings, and
20 conducting studies to identify members of the sector, appraise the
21 current state of the sector, and identify issues of common concern
22 within the sector;

23 (b) Supporting the formation of industry associations, publications
24 of association directories, and related efforts to create or expand the
25 activities or industry associations;

26 (c) Assisting in the formation of flexible networks by providing
27 (i) agency employees or private sector consultants trained to act as
28 flexible network brokers and (ii) funding for potential flexible
29 network participants for the purpose of organizing or implementing a
30 flexible network;

31 (d) Helping establish research consortia;

32 (e) Facilitating joint training and education programs;

33 (f) Promoting cooperative market development activities;

34 (g) Analyzing the need, feasibility, and cost of establishing
35 product certification and testing facilities and services; and

36 (h) Providing for methods of electronic communication and

1 information dissemination among firms and groups of firms to facilitate
2 network activity.

3 NEW SECTION. **Sec. 3.** A new section is added to chapter 77.12 RCW
4 to read as follows:

5 The department shall manage wildlife programs in a manner that
6 provides for public opportunities to view wildlife and supports nature-
7 based and wildlife viewing tourism without impairing the state's
8 wildlife resources.

9 **Sec. 4.** RCW 43.330.094 and 1997 c 220 s 223 are each amended to
10 read as follows:

11 The tourism development and promotion account is created in the
12 state treasury. All receipts from RCW 36.102.060(10) and
13 43.330.090(3)(a) must be deposited into the account. Moneys in the
14 account received under RCW 36.102.060(10) may be spent only after
15 appropriation. No appropriation is required for expenditures from
16 moneys received under RCW 43.330.090(3)(a). Expenditures from the
17 account may be used by the department of community, trade, and economic
18 development only for the purposes of (~~promotion of~~) expanding and
19 promoting the tourism industry in the state of Washington.

20 NEW SECTION. **Sec. 5.** A new section is added to chapter 42.52 RCW
21 to read as follows:

22 When soliciting charitable gifts, grants, or donations solely for
23 the purposes of promoting the expansion of tourism as provided for in
24 RCW 43.330.090, state officers and state employees are presumed not to
25 be in violation of the solicitation and receipt of gift provisions in
26 RCW 42.52.140.

27 **Sec. 6.** RCW 42.52.150 and 1998 c 7 s 2 are each amended to read as
28 follows:

29 (1) No state officer or state employee may accept gifts, other than
30 those specified in subsections (2) and (5) of this section, with an
31 aggregate value in excess of fifty dollars from a single source in a
32 calendar year or a single gift from multiple sources with a value in
33 excess of fifty dollars. For purposes of this section, "single source"

1 means any person, as defined in RCW 42.52.010, whether acting directly
2 or through any agent or other intermediary, and "single gift" includes
3 any event, item, or group of items used in conjunction with each other
4 or any trip including transportation, lodging, and attendant costs, not
5 excluded from the definition of gift under RCW 42.52.010. The value of
6 gifts given to an officer's or employee's family member or guest shall
7 be attributed to the official or employee for the purpose of
8 determining whether the limit has been exceeded, unless an independent
9 business, family, or social relationship exists between the donor and
10 the family member or guest.

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

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

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

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

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

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

26 (f) Food and beverages consumed at hosted receptions where
27 attendance is related to the state officer's or state employee's
28 official duties;

29 (g) Gifts, grants, conveyances, bequests, and devises of real or
30 personal property, or both, in trust or otherwise accepted and
31 solicited for the purpose of promoting the expansion of tourism as
32 provided for in RCW 43.330.090;

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

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

1 (3) The presumption in subsection (2) of this section is rebuttable
2 and may be overcome based on the circumstances surrounding the giving
3 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 agency
6 that seeks to acquire goods or services who participates in those
7 regulatory or contractual matters may receive, accept, take, or seek,
8 directly or indirectly, only the following items from a person
9 regulated by the agency or from a person who seeks to provide goods or
10 services to the agency:

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

19 (d) Informational material, publications, or subscriptions related
20 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, presentation,
31 appearance, or trade mission made in an official capacity;

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

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

36 (5) A state officer or state employee may accept gifts in the form
37 of food and beverage on infrequent occasions in the ordinary course of

1 meals where attendance by the officer or employee is related to the
2 performance of official duties. Gifts in the form of food and beverage
3 that exceed fifty dollars on a single occasion shall be reported as
4 provided in chapter 42.17 RCW."

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5 On page 1, line 1 of the title, after "tourism;" strike the
6 remainder of the title and insert "amending RCW 43.330.090, 43.330.094,
7 and 42.52.150; adding a new section to chapter 77.12 RCW; adding a new
8 section to chapter 42.52 RCW; and creating a new section."

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