

CERTIFICATION OF ENROLLMENT
SECOND SUBSTITUTE HOUSE BILL 1973

58th Legislature
2003 Regular Session

Passed by the House April 22, 2003
Yeas 97 Nays 0

Speaker of the House of Representatives

Passed by the Senate April 16, 2003
Yeas 48 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Cynthia Zehnder, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE HOUSE BILL 1973** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SECOND SUBSTITUTE HOUSE BILL 1973

AS AMENDED BY THE SENATE

Passed Legislature - 2003 Regular Session

State of Washington **58th Legislature** **2003 Regular Session**

By House Committee on Appropriations (originally sponsored by
Representatives Veloria, McCoy and Kenney)

READ FIRST TIME 03/10/03.

1 AN ACT Relating to promoting tourism; amending RCW 43.330.090,
2 43.330.094, and 42.52.150; adding a new section to chapter 77.12 RCW;
3 adding a new section to chapter 42.52 RCW; and creating a new section.

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

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

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

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

3 (1) The department shall work with private sector organizations,
4 local governments, local ~~((economic))~~ associate development
5 organizations, and higher education and training institutions to assist
6 in the development of strategies to diversify the economy, facilitate
7 technology transfer and diffusion, and increase value-added production
8 by focusing on targeted sectors. The targeted sectors may include, but
9 are not limited to, software, forest products, biotechnology,
10 environmental industries, recycling markets and waste reduction,
11 aerospace, food processing, tourism, film and video, microelectronics,
12 new materials, robotics, and machine tools. The department shall, on
13 a continuing basis, evaluate the potential return to the state from
14 devoting additional resources to a targeted sector's approach to
15 economic development and including additional sectors in its efforts.
16 The department shall use information gathered in each service delivery
17 region in formulating its sectoral strategies and in designating new
18 targeted sectors.

19 (2) The department shall ~~((ensure that the state continues to))~~
20 pursue a coordinated program to expand the tourism industry throughout
21 the state in cooperation with the public and private tourism
22 development organizations. ~~((The department shall work to provide a
23 balance of tourism activities throughout the state and during different
24 seasons of the year. In addition,))~~ The department, in operating its
25 tourism program, shall:

26 (a) Promote Washington as a tourism destination to national and
27 international markets to include nature-based and wildlife viewing
28 tourism;

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

31 (c) Assist local communities to strengthen their tourism
32 partnerships, including their relationships with state and local
33 agencies;

34 (d) Provide leadership training and assistance to local communities
35 to facilitate the development and implementation of local tourism
36 plans;

37 (e) Coordinate the development of a statewide tourism and marketing
38 plan. The department's tourism planning efforts shall be carried out

1 in conjunction with public and private tourism development
2 organizations including the department of fish and wildlife and other
3 appropriate agencies. The plan shall specifically address mechanisms
4 for: (i) Funding national and international marketing and nature-based
5 tourism efforts; (ii) interagency cooperation; and (iii) integrating
6 the state plan with local tourism plans.

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

9 (a) Solicit and receive gifts, grants, funds, fees, and endowments,
10 in trust or otherwise, from tribal, local or other governmental
11 entities, as well as private sources, and may expend the same or any
12 income therefrom for tourism purposes. All revenue received for
13 tourism purposes shall be deposited into the tourism development and
14 promotion account created in RCW 43.330.094;

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

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

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

20 (e) Provide tourism-related organizations with marketing and other
21 technical assistance;

22 (f) Evaluate and make recommendations on proposed tourism-related
23 policies.

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

28 ~~((+3))~~ (5) In assisting in the development of a targeted sector,
29 the department's activities may include, but are not limited to:

30 (a) Conducting focus group discussions, facilitating meetings, and
31 conducting studies to identify members of the sector, appraise the
32 current state of the sector, and identify issues of common concern
33 within the sector;

34 (b) Supporting the formation of industry associations, publications
35 of association directories, and related efforts to create or expand the
36 activities or industry associations;

37 (c) Assisting in the formation of flexible networks by providing
38 (i) agency employees or private sector consultants trained to act as

1 flexible network brokers and (ii) funding for potential flexible
2 network participants for the purpose of organizing or implementing a
3 flexible network;

- 4 (d) Helping establish research consortia;
- 5 (e) Facilitating joint training and education programs;
- 6 (f) Promoting cooperative market development activities;
- 7 (g) Analyzing the need, feasibility, and cost of establishing
8 product certification and testing facilities and services; and
- 9 (h) Providing for methods of electronic communication and
10 information dissemination among firms and groups of firms to facilitate
11 network activity.

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

14 The department shall manage wildlife programs in a manner that
15 provides for public opportunities to view wildlife and supports nature-
16 based and wildlife viewing tourism without impairing the state's
17 wildlife resources.

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

20 The tourism development and promotion account is created in the
21 state treasury. All receipts from RCW 36.102.060(10) and
22 43.330.090(3)(a) must be deposited into the account. Moneys in the
23 account received under RCW 36.102.060(10) may be spent only after
24 appropriation. No appropriation is required for expenditures from
25 moneys received under RCW 43.330.090(3)(a). Expenditures from the
26 account may be used by the department of community, trade, and economic
27 development only for the purposes of (~~promotion of~~) expanding and
28 promoting the tourism industry in the state of Washington.

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

31 When soliciting charitable gifts, grants, or donations solely for
32 the purposes of promoting the expansion of tourism as provided for in
33 RCW 43.330.090, state officers and state employees are presumed not to
34 be in violation of the solicitation and receipt of gift provisions in
35 RCW 42.52.140.

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

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

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

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

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

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

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

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

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

36 (g) Gifts, grants, conveyances, bequests, and devises of real or
37 personal property, or both, in trust or otherwise accepted and

1 solicited for the purpose of promoting the expansion of tourism as
2 provided for in RCW 43.330.090;

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

6 ~~((h))~~ (i) Unsolicited gifts from dignitaries from another state
7 or a foreign country that are intended to be personal in nature.

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

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

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

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

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

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

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

31 (f) 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 (g) Those items excluded from the definition of gift in RCW
35 42.52.010 except:

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

1 (ii) Payments for seminars and educational programs sponsored by a
2 bona fide governmental or nonprofit professional, educational, trade,
3 or charitable association or institution; and
4 (iii) Flowers, plants, and floral arrangements.
5 (5) A state officer or state employee may accept gifts in the form
6 of food and beverage on infrequent occasions in the ordinary course of
7 meals where attendance by the officer or employee is related to the
8 performance of official duties. Gifts in the form of food and beverage
9 that exceed fifty dollars on a single occasion shall be reported as
10 provided in chapter 42.17 RCW.

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