
SUBSTITUTE SENATE BILL 5827

State of Washington

58th Legislature

2003 Regular Session

By Senate Committee on Economic Development (originally sponsored by Senators Shin, Benton, T. Sheldon, B. Sheldon, Schmidt, Rossi, Hale, Kohl-Welles, Rasmussen, Hargrove, Keiser, Brown, Franklin, Prentice and Thibaudeau)

READ FIRST TIME 03/05/03.

1 AN ACT Relating to the Washington state tourism center; amending
2 RCW 42.52.150; adding a new section to chapter 42.52 RCW; and adding a
3 new chapter to Title 43 RCW.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that:

6 (a) National and international tourism is a growing sector that can
7 provide Washington residents with jobs and local communities with
8 needed revenues;

9 (b) Contacts made through national and international tourism
10 activities may yield future benefits in terms of future national and
11 international investments in the state;

12 (c) Current efforts to promote national and international tourism
13 are too diffuse to yield significant benefits; and

14 (d) A collaborative effort among state and local governments,
15 tribes, and private enterprises can serve to leverage the investments
16 in national and international tourism and trade made by each.

17 (2) It is therefore the policy of the state to create a single
18 entity to be known as the Washington state tourism center to develop

1 new, and expand existing, opportunities for national and international
2 tourism and trade.

3 NEW SECTION. **Sec. 2.** There is created the Washington state
4 tourism center within the department of community, trade, and economic
5 development. As used in this chapter, "center" means the Washington
6 state tourism center.

7 NEW SECTION. **Sec. 3.** The center shall:

- 8 (1) Provide targeted assistance to national and international
9 tourism-related businesses, including:
- 10 (a) Promotion of Washington state as a tourism destination; and
 - 11 (b) Market research and planning information;
- 12 (2) Provide information to tourism businesses on the availability
13 and benefits of national and international tourism opportunities;
- 14 (3) Undertake and participate in marketing promotions to achieve
15 expanded national and international tourism;
- 16 (4) Coordinate with local tourism development efforts to maximize
17 benefits; and
- 18 (5) Develop an annual work plan. The plan shall describe actions
19 and recommendations for developing markets for national and
20 international tourism and related trade activities.

21 NEW SECTION. **Sec. 4.** To carry out its responsibilities under this
22 chapter, the center may:

- 23 (1) Receive such gifts, grants, funds, fees, and endowments, in
24 trust or otherwise, for the use and benefit of the center. The center
25 may expend the same or any income therefrom according to the terms of
26 the gifts, grants, or endowments;
- 27 (2) Initiate, conduct, or contract for studies and searches
28 relating to national and international tourism;
- 29 (3) Obtain and disseminate information relating to market
30 development for national and international tourism from other state and
31 local agencies;
- 32 (4) Enter into, amend, and terminate contracts with individuals,
33 corporations, trade associations, and research institutions for the
34 purposes of this chapter;

1 (5) Provide business and marketing assistance to public and private
2 sector entities within the state; and

3 (6) Evaluate, analyze, and make recommendations on state policies
4 that may affect markets for national and international tourism.

5 NEW SECTION. **Sec. 5.** The center shall solicit financial
6 contributions and support from tourism-related industries and other
7 private sector sources, foundations, tribal governments and
8 enterprises, and grants from governmental sources to assist in
9 conducting its activities. It may also use separately appropriated
10 funds of the department of community, trade, and economic development
11 for the center's activities.

12 NEW SECTION. **Sec. 6.** Local governments may divert a portion of
13 the revenue collected under local sales and use taxes on the sale of
14 lodging to the center.

15 NEW SECTION. **Sec. 7.** A new section is added to chapter 42.52 RCW
16 to read as follows:

17 When soliciting charitable gifts, grants, or donations solely for
18 the Washington state tourism center, state officers and state employees
19 are presumed not to be in violation of the solicitation and receipt of
20 gift provisions in RCW 42.52.140.

21 **Sec. 8.** RCW 42.52.150 and 1998 c 7 s 2 are each amended to read as
22 follows:

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

1 determining whether the limit has been exceeded, unless an independent
2 business, family, or social relationship exists between the donor and
3 the family member or guest.

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

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

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

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

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

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

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

22 (g) Gifts, grants, conveyances, bequests, and devises of real or
23 personal property, or both, in trust or otherwise accepted and
24 solicited for the Washington state tourism center;

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

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

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

33 (4) Notwithstanding subsections (2) and (5) of this section, a
34 state officer or state employee of a regulatory agency or of an agency
35 that seeks to acquire goods or services who participates in those
36 regulatory or contractual matters may receive, accept, take, or seek,
37 directly or indirectly, only the following items from a person

1 regulated by the agency or from a person who seeks to provide goods or
2 services to the agency:

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

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

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

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

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

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

19 (g) Those items excluded from the definition of gift in RCW
20 42.52.010 except:

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

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

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

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

34 NEW SECTION. **Sec. 9.** Sections 1 through 6 of this act constitute
35 a new chapter in Title 43 RCW.

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