
HOUSE BILL 2704

State of Washington 61st Legislature 2010 Regular Session

By Representatives Takko, Hinkle, Appleton, Haler, Rolfes, Van De Wege, Quall, Warnick, and Morris

Read first time 01/12/10. Referred to Committee on State Government & Tribal Affairs.

1 AN ACT Relating to transferring the Washington main street program
2 to the department of archaeology and historic preservation; amending
3 RCW 35.100.020, 43.360.010, and 82.73.050; reenacting and amending RCW
4 82.73.010; creating a new section; and providing an effective date.

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

6 **Sec. 1.** RCW 35.100.020 and 2002 c 79 s 2 are each amended to read
7 as follows:

8 The definitions in this section apply throughout this chapter
9 unless the context clearly requires otherwise.

10 (1) "Local retail sales and use tax" means the tax levied by a city
11 or town under RCW 82.14.030, excluding that portion which a county is
12 entitled to receive under RCW 82.14.030.

13 (2) "Local retail sales and use tax increment revenue" means that
14 portion of the local retail sales and use tax collected in each year
15 upon any retail sale or any use of an article of tangible personal
16 property within a downtown or neighborhood commercial district that is
17 in excess of the amount of local retail sales and use tax collected on
18 sales or uses within the downtown or neighborhood commercial district
19 in the year preceding.

1 (3) "Downtown or neighborhood commercial district" means (a) an
2 area or areas designated by the legislative authority of a city or town
3 with a population over one hundred thousand and that are typically
4 limited to the pedestrian core area or the central commercial district
5 and compact business districts that serve specific neighborhoods within
6 the city or town; or (b) commercial areas designated as main street
7 areas by the (~~office of trade and economic development~~) department of
8 archaeology and historic preservation.

9 (4) "Community revitalization project" means:

10 (a) Health and safety improvements authorized to be publicly
11 financed under chapter 35.80 or 35.81 RCW;

12 (b) Publicly owned or leased facilities within the jurisdiction of
13 a local government which the sponsor has authority to provide; and

14 (c) Expenditure for any of the following purposes:

15 (i) Providing environmental analysis, professional management,
16 planning, and promotion within a downtown or neighborhood commercial
17 district including the management and promotion of retail trade
18 activities in the district;

19 (ii) Providing maintenance and security for common or public areas
20 in the downtown or neighborhood commercial district;

21 (iii) Historic preservation activities authorized under RCW
22 35.21.395; or

23 (iv) Project design and planning, land acquisition, site
24 preparation, construction, reconstruction, rehabilitation, improvement,
25 operation, and installation of a public facility; the costs of
26 financing, including interest during construction, legal and other
27 professional services, taxes, and insurance; the costs of complying
28 with this chapter and other applicable law; and the administrative
29 costs reasonably necessary and related to these costs.

30 **Sec. 2.** RCW 43.360.010 and 2009 c 565 s 44 are each amended to
31 read as follows:

32 The definitions in this section apply throughout this chapter
33 unless the context clearly requires otherwise.

34 (1) "Area" means a geographic area within a local government that
35 is described by a closed perimeter boundary.

36 (2) "Department" means the department of (~~commerce~~) archaeology
37 and historic preservation.

1 (3) "Director" means the director of the department (~~of~~
2 ~~commerce~~)).

3 (4) "Local government" means a city, code city, or town.

4 (5) "Qualified levels of participation" means a local downtown or
5 neighborhood commercial district revitalization program that has been
6 designated by the department.

7 **Sec. 3.** RCW 82.73.010 and 2009 c 565 s 55 are each reenacted and
8 amended to read as follows:

9 Unless the context clearly requires otherwise, the definitions in
10 this section apply throughout this chapter.

11 (1) "Applicant" means a person applying for a tax credit under this
12 chapter.

13 (2) "Contribution" means cash contributions.

14 (3) "Department" means the department of revenue.

15 (4) "Main street trust fund" means the (~~department of commerce's~~)
16 Washington main street trust fund account under RCW 43.360.050.

17 (5) "Person" has the meaning given in RCW 82.04.030.

18 (6) "Program" means a nonprofit organization under internal revenue
19 code sections 501(c)(3) or 501(c)(6), with the sole mission of
20 revitalizing a downtown or neighborhood commercial district area, that
21 is designated by the department of (~~commerce~~) archaeology and
22 historic preservation as described in RCW 43.360.010 through
23 43.360.050.

24 **Sec. 4.** RCW 82.73.050 and 2005 c 514 s 906 are each amended to
25 read as follows:

26 The department of (~~community, trade, and economic development~~)
27 archaeology and historic preservation shall provide information to the
28 department to administer this chapter, including a list of designated
29 programs that shall be updated as necessary.

30 NEW SECTION. **Sec. 5.** (1) All powers, duties, and functions of the
31 department of commerce pertaining to the Washington main street program
32 are transferred to the department of archaeology and historic
33 preservation.

34 (2)(a) All reports, documents, surveys, books, records, files,
35 papers, or written material in the possession of the department of

1 commerce pertaining to the powers, functions, and duties transferred
2 shall be delivered to the custody of the department of archaeology and
3 historic preservation. All cabinets, furniture, office equipment,
4 motor vehicles, and other tangible property employed by the department
5 of commerce in carrying out the powers, functions, and duties
6 transferred shall be made available to the department of archaeology
7 and historic preservation. All funds, credits, or other assets held in
8 connection with the powers, functions, and duties transferred shall be
9 assigned to the department of archaeology and historic preservation.

10 (b) Any appropriations made to the department of commerce for
11 carrying out the powers, functions, and duties transferred shall, on
12 the effective date of this section, be transferred and credited to the
13 department of archaeology and historic preservation.

14 (c) Whenever any question arises as to the transfer of any
15 personnel, funds, books, documents, records, papers, files, equipment,
16 or other tangible property used or held in the exercise of the powers
17 and the performance of the duties and functions transferred, the
18 director of financial management shall make a determination as to the
19 proper allocation and certify the same to the state agencies concerned.

20 (3) All employees of the department of commerce engaged in
21 performing the powers, functions, and duties transferred are
22 transferred to the jurisdiction of the department of archaeology and
23 historic preservation. All employees classified under chapter 41.06
24 RCW, the state civil service law, are assigned to the department of
25 archaeology and historic preservation to perform their usual duties
26 upon the same terms as formerly, without any loss of rights, subject to
27 any action that may be appropriate thereafter in accordance with the
28 laws and rules governing state civil service.

29 (4) All rules and all pending business before the department of
30 commerce pertaining to the powers, functions, and duties transferred
31 shall be continued and acted upon by the department of archaeology and
32 historic preservation. All existing contracts and obligations shall
33 remain in full force and shall be performed by the department of
34 archaeology and historic preservation.

35 (5) The transfer of the powers, duties, functions, and personnel of
36 the department of commerce shall not affect the validity of any act
37 performed before the effective date of this section.

1 (6) If apportionments of budgeted funds are required because of the
2 transfers directed by this section, the director of financial
3 management shall certify the apportionments to the agencies affected,
4 the state auditor, and the state treasurer. Each of these shall make
5 the appropriate transfer and adjustments in funds and appropriation
6 accounts and equipment records in accordance with the certification.

7 (7) All classified employees of the department of commerce assigned
8 to the department of archaeology and historic preservation under this
9 section whose positions are within an existing bargaining unit
10 description at the department of archaeology and historic preservation
11 shall become a part of the existing bargaining unit at the department
12 of archaeology and historic preservation and shall be considered an
13 appropriate inclusion or modification of the existing bargaining unit,
14 if any, under the provisions of chapter 41.80 RCW.

15 NEW SECTION. **Sec. 6.** This act takes effect July 1, 2010.

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