

SENATE BILL 5301

State of Washington

52nd Legislature

1991 Regular Session

By Senators Snyder and Conner.

Read first time January 28, 1991. Referred to Committee on Governmental Operations.

1 AN ACT Relating to public facilities; amending RCW 67.28.200 and
2 67.28.210; and adding a new section to chapter 67.28 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 67.28 RCW
5 to read as follows:

6 (1) The legislative body of any city bordering on the Pacific Ocean
7 with a population of not less than one thousand which, upon the
8 effective date of this act, is within a county in which there is no
9 publicly owned convention center, is authorized to levy and collect a
10 special excise tax of not to exceed three percent on the sale of or
11 charge made for the furnishing of lodging by a hotel, rooming house,
12 tourist court, motel, trailer camp, and the granting of any similar
13 license to use real property, as distinguished from the renting or
14 leasing of real property. For the purposes of this tax, it shall be
15 presumed that the occupancy of real property for a continuous period of

1 one month or more constitutes a rental or lease of real property and
2 not a mere license to use or to enjoy the same.

3 (2) The legislative body of the county in which a city described in
4 subsection (1) of this section is located is authorized to levy and
5 collect a special excise tax within such county of not to exceed three
6 percent on the sale of or charge made for the furnishing of lodging by
7 a hotel, rooming house, tourist court, motel, trailer camp, and the
8 granting of any similar license to use real property, as distinguished
9 from the renting or leasing of real property. For the purposes of this
10 tax, it shall be presumed that the occupancy of real property for a
11 continuous period of one month or more constitutes a rental or lease of
12 real property and not a mere license to use or to enjoy the same.

13 (3) In the event a tax is levied under both subsections (1) and (2)
14 of this section, the amount levied under (1) of this section shall be
15 credited against the amount levied under (2) of this section such that
16 the aggregate amount levied under this section cannot exceed three
17 percent on the applicable sale or charge.

18 (4) Any seller, as defined in RCW 82.08.010, who is required to
19 collect a tax under this section shall pay over such tax to the city or
20 county, as applicable, as provided in RCW 67.28.200. The deduction
21 from state taxes under RCW 67.28.190 does not apply to taxes imposed
22 under this section.

23 **Sec. 2.** RCW 67.28.200 and 1988 ex.s. c 1 s 23 are each amended to
24 read as follows:

25 The legislative body of any county or city may establish reasonable
26 exemptions and may adopt such reasonable rules and regulations as may
27 be necessary for the levy and collection of the taxes authorized by RCW
28 67.28.180, 67.28.182, and 67.28.230 through 67.28.250, and section 1 of
29 this act. The department of revenue shall perform the collection of

1 such taxes on behalf of such county or city at no cost to such county
2 or city.

3 **Sec. 3.** RCW 67.28.210 and 1990 c 17 s 1 are each amended to read
4 as follows:

5 All taxes levied and collected under RCW 67.28.180, 67.28.230,
6 (~~and~~) 67.28.240, and section 1 of this act shall be credited to a
7 special fund in the treasury of the county or city imposing such tax.
8 Such taxes shall be levied only for the purpose of paying all or any
9 part of the cost of acquisition, construction, or operating of stadium
10 facilities, convention center facilities, performing arts center
11 facilities, and/or visual arts center facilities or to pay or secure
12 the payment of all or any portion of general obligation bonds or
13 revenue bonds issued for such purpose or purposes under this chapter,
14 or to pay for advertising, publicizing, or otherwise distributing
15 information for the purpose of attracting visitors and encouraging
16 tourist expansion when a county or city has imposed such tax for such
17 purpose, or as one of the purposes hereunder, and until withdrawn for
18 use, the moneys accumulated in such fund or funds may be invested in
19 interest bearing securities by the county or city treasurer in any
20 manner authorized by law. In addition such taxes may be used to
21 develop strategies to expand tourism: PROVIDED, That any county, and
22 any city within a county, bordering upon Grays Harbor may use the
23 proceeds of such taxes for construction and maintenance of a movable
24 tall ships tourist attraction in cooperation with a tall ships
25 restoration society, except to the extent that such proceeds are used
26 for payment of principal and interest on debt incurred prior to June
27 11, 1986: PROVIDED FURTHER, That any city or county may use the
28 proceeds of such taxes for the refurbishing and operation of a steam
29 railway for tourism promotion purposes.