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ENGROSSED HOUSE BILL 2135

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State of Washington                      53rd Legislature                      1993 Regular Session

By Representative G. Fisher

Read first time 04/15/93. Referred to Committee on Rules.

1            AN ACT Relating to revenue; amending RCW 67.28.240, 36.100.010,  
2 36.100.020, 36.100.030, 36.100.040, 36.100.050, and 36.100.060; adding  
3 a new section to chapter 67.28 RCW; and adding a new section to chapter  
4 36.100 RCW.

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

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

8            (1) The legislative body of any county with a population greater  
9 than seventy-five thousand in which is located all or part of a  
10 national monument is authorized to levy and collect a special excise  
11 tax not to exceed two percent on the sale of or charge made for the  
12 furnishing of lodging by a hotel, rooming house, tourist court, motel,  
13 trailer camp, and the granting of any similar license to use real  
14 property, as distinguished from the renting or leasing of real  
15 property. For the purposes of this tax, it shall be presumed that the  
16 occupancy of real property for a continuous period of one month or more  
17 constitutes a rental or lease of real property and not a mere license  
18 to use or to enjoy the same.

1 (2) The tax authorized in subsection (1) of this section is in  
2 addition to any other tax authorized by law.

3 (3) Any seller, as defined in RCW 82.08.010, who is required to  
4 collect any tax under this section shall pay over the tax to the county  
5 as provided in RCW 67.28.200. The deduction from state taxes under RCW  
6 67.28.190 does not apply to the tax imposed under this section.

7 (4) All taxes levied and collected under this section shall be  
8 credited to a special fund in the treasury of the county. The taxes  
9 shall only be used for the acquisition, construction, repair, and  
10 improvement of a rest area for tourists which includes restrooms,  
11 picnic areas, trails and viewpoints, emergency facilities, transient  
12 parking facilities, concession and gift sales, and marketing of  
13 facilities for tourists visiting the county or the national monument,  
14 or to pay or secure the payment of all or any portion of general  
15 obligation bonds issued for such purposes. As used in this section,  
16 "transient parking facilities" does not include parking spaces to be  
17 used for overnight stays.

18 (5) The tax authorized in subsection (1) of this section may only  
19 be imposed if the county and at least one of the two largest cities in  
20 the county provide moneys for the project described in subsection (4)  
21 of this section from revenue received under RCW 67.28.180 or if the  
22 county provides moneys for the project from revenue received under RCW  
23 82.14.030. Moneys provided under this section shall be deposited in  
24 the special fund created under subsection (4) of this section and may  
25 be used only as provided in subsection (4) of this section.

26 (6) The department of revenue shall perform the collection of taxes  
27 under this section on behalf of the county at no cost to the county.

28 **Sec. 2.** RCW 67.28.240 and 1991 c 363 s 140 are each amended to  
29 read as follows:

30 (1) The legislative body of a county that qualified under RCW  
31 67.28.180(2)(b) other than a county with a population of one million or  
32 more and the legislative bodies of cities in the qualifying county are  
33 each authorized to levy and collect a special excise tax of ~~((two))~~  
34 three percent on the sale of or charge made for the furnishing of  
35 lodging by a hotel, rooming house, tourist court, motel, trailer camp,  
36 and the granting of any similar license to use real property, as  
37 distinguished from the renting or leasing of real property. For the  
38 purposes of this tax, it shall be presumed that the occupancy of real

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

4 (2) No city may impose the special excise tax authorized in  
5 subsection (1) of this section during the time the city is imposing the  
6 tax under RCW 67.28.180, and no county may impose the special excise  
7 tax authorized in subsection (1) of this section until such time as  
8 those cities within the county containing at least one-half of the  
9 total incorporated population have imposed the tax.

10 (3) Any county ordinance or resolution adopted under this section  
11 shall contain, in addition to all other provisions required to conform  
12 to this chapter, a provision allowing a credit against the county tax  
13 for the full amount of any city tax imposed under this section upon the  
14 same taxable event.

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

20 **Sec. 3.** RCW 36.100.010 and 1989 1st ex.s. c 8 s 1 are each amended  
21 to read as follows:

22 (1) A public facilities district may be created in any county that  
23 has a population of one million or more or in any county with three  
24 hundred thousand or more population that is located more than one  
25 hundred miles from any county in which the state has constructed and  
26 owns a convention center, or in any county with a population of less  
27 than seventy-five thousand but greater than twenty thousand in which is  
28 located part of a national monument.

29 (2) A public facilities district that is located in any county with  
30 three hundred thousand or more population that is located more than one  
31 hundred miles from any county in which the state has constructed and  
32 owns a convention center or that is located in a county with a  
33 population of less than seventy-five thousand but greater than twenty  
34 thousand in which is located part of a national monument shall be  
35 coextensive with the boundaries of the county((-

36 ~~(2) A public facilities district))~~ and shall be created upon  
37 adoption of a resolution providing for the creation of such a district

1 by the county legislative authority in which the proposed district is  
2 located and the city council of the largest city within such county.

3 (3) A public facilities district that is located in any county with  
4 a population of one million or more shall be created if the councils of  
5 at least seven participating cities or towns each adopt a resolution  
6 that lists the same cities or towns and provides for the creation of  
7 the district. In lieu of a council resolution, the voters of a city or  
8 town may approve participation in the district by a petition of ten  
9 percent of the registered voters of the city or town, listing the seven  
10 cities or towns. The district shall only include the territory in the  
11 county located in the participating cities and towns, as they exist  
12 when the district is created or as their boundaries may change in the  
13 future. At the time of creating the public facilities district, none  
14 of the participating cities or towns may have a population in excess of  
15 eighty thousand.

16 (4) A public facilities district is a municipal corporation, an  
17 independent taxing "authority" within the meaning of Article VII,  
18 section 1 of the state Constitution, and a "taxing district" within the  
19 meaning of Article VII, section 2 of the state Constitution.

20 ~~((+4))~~ (5) No taxes authorized under subsection (1) or (2) of this  
21 ~~((chapter))~~ section may be assessed or levied unless a majority of the  
22 voters of the public facilities district has validated the creation of  
23 the public facilities district at a general or special election.

24 ~~((+5))~~ (6) A public facilities district shall constitute a body  
25 corporate and shall possess all the usual powers of a corporation for  
26 public purposes as well as all other powers that may now or hereafter  
27 be specifically conferred by statute, including, but not limited to,  
28 the authority to hire employees, staff, and services, to enter into  
29 contracts, and to sue and be sued.

30 **Sec. 4.** RCW 36.100.020 and 1989 1st ex.s. c 8 s 2 are each amended  
31 to read as follows:

32 (1) A public facilities district in a county with three hundred  
33 thousand or more population that is located more than one hundred miles  
34 from any county in which the state has constructed and owns a  
35 convention center or that is located in a county with a population of  
36 less than seventy-five thousand but greater than twenty thousand in  
37 which is located part of a national monument shall be governed by a  
38 board of directors consisting of five members as follows: ~~((+1))~~ (a)

1 Two members appointed by the county legislative authority to serve for  
2 four-year staggered terms; ~~((+2))~~ (b) two members appointed by the  
3 city council to serve for four-year staggered terms; and ~~((+3))~~ (c)  
4 one person to serve for a four-year term who is selected by the other  
5 directors. At least one member shall be representative of the lodging  
6 industry in the public facilities district.

7 One of the initial members appointed by the county legislative  
8 authority shall have a term of office of two years and the other  
9 initial member appointed by the county legislative authority shall have  
10 a term of four years. One of the initial members appointed by the city  
11 council shall have a term of two years and the other initial member  
12 appointed by the city council shall have a term of four years.  
13 Successors shall be appointed to four-year terms of office in the same  
14 manner as the original appointees.

15 (2) A public facilities district in a county with a population of  
16 one million or more shall be governed by a board of directors  
17 consisting of seven members who are appointed by the county executive,  
18 if the county has a home rule charter providing for a county executive,  
19 or by the county legislative authority if a county executive does not  
20 exist, from a list of nominees submitted by the participating cities  
21 and towns. The council of each participating city and town shall  
22 nominate three of its elected officials, from among its councilmembers  
23 and the mayor.

24 The appointing authority of the county shall designate terms of  
25 office for the appointees, with four appointees being given terms of  
26 four years and three of the appointees being given terms of two years.  
27 Successors shall be appointed to four-year terms of office in the same  
28 manner as the original appointees.

29 **Sec. 5.** RCW 36.100.030 and 1989 1st ex.s. c 8 s 3 are each amended  
30 to read as follows:

31 (1) A public facilities district that is located in a county with  
32 three hundred thousand or more population that is located more than one  
33 hundred miles from any county in which the state has constructed and  
34 owns a convention center is authorized to acquire, construct, own,  
35 maintain, and operate a sports and entertainment ~~((facilities))~~  
36 facility with contiguous parking facilities and, upon the approval of  
37 the voters of the public facilities district, a regional science  
38 education facility may be located in any city or county within a public

1 facilities district which has a population of more than one hundred  
2 fifty thousand. A public facility district that is located in a county  
3 with a population of less than seventy-five thousand but greater than  
4 twenty thousand in which is located part of a national monument is  
5 authorized to acquire, construct, own, maintain, and operate a sports  
6 and entertainment facility with contiguous parking facilities. A  
7 public facilities district that is located in a county with a  
8 population of one million or more is authorized to acquire, construct,  
9 own, maintain, and operate facilities for youth and senior citizen  
10 programs and activities, including recreational facilities, meeting  
11 facilities, and contiguous parking facilities. The facilities must be  
12 located within the boundaries of a participating city.

13 (2) A public facilities district may impose charges and fees for  
14 the use of its facilities, and may accept and expend or use gifts,  
15 grants, and donations. The taxes that are provided for in this chapter  
16 may only be imposed (~~for such purposes~~) to finance the facilities  
17 that the particular public facilities district is authorized to  
18 provide.

19 **Sec. 6.** RCW 36.100.040 and 1989 1st ex.s. c 8 s 4 are each amended  
20 to read as follows:

21 A public facilities district may impose an excise tax on the sale  
22 of or charge made for the furnishing of lodging by a hotel, rooming  
23 house, tourist court, motel, or trailer camp, and the granting of any  
24 similar license to use real property, as distinguished from the renting  
25 or leasing of real property, except that no such tax may be levied on  
26 any premises having fewer than forty lodging units. The rate of the  
27 tax in a public facilities district located in a county with a  
28 population of less than one million shall not exceed two percent and  
29 the proceeds of the tax shall only be used for the acquisition, design,  
30 maintenance, and construction of (~~sports and entertainment~~  
31 facilities)) the public facilities authorized for the particular  
32 district under RCW 36.100.030. The rate of tax in a public facilities  
33 district located in a county with a population of one million or more  
34 shall not exceed one percent and the proceeds of the tax shall only be  
35 used for the acquisition, design, construction, and maintenance of  
36 facilities for youth and senior citizen programs and activities. This  
37 excise tax shall not be imposed until the district has approved the  
38 proposal to acquire, design, and construct any of the public facilities

1 authorized under RCW 36.100.030. In the case of a public facility  
2 district in a county with a population of one million or more, this  
3 excise tax shall not be imposed unless the tax under section 9 of this  
4 act is also imposed.

5 **Sec. 7.** RCW 36.100.050 and 1988 ex.s. c 1 s 15 are each amended to  
6 read as follows:

7 (1) A public facilities district in any county with three hundred  
8 thousand or more population that is located more than one hundred miles  
9 from any county in which the state has constructed and owns a  
10 convention center or in a county with a population of less than  
11 seventy-five thousand but greater than twenty thousand in which is  
12 located part of a national monument may levy an ad valorem property  
13 tax, in excess of the one percent limitation, upon the property within  
14 the district for a one-year period to be used for operating or capital  
15 purposes whenever authorized by the voters of the district pursuant to  
16 RCW 84.52.052 and Article VII, section 2(a) of the state Constitution.

17 (2) A public facilities district in any county with three hundred  
18 thousand or more population that is located more than one hundred miles  
19 from any county in which the state has constructed and owns a  
20 convention center or in a county with a population of less than  
21 seventy-five thousand but greater than twenty thousand in which is  
22 located part of a national monument may provide for the retirement of  
23 voter-approved general obligation bonds, issued for capital purposes  
24 only, by levying bond retirement ad valorem property tax levies, in  
25 excess of the one percent limitation, whenever authorized by the voters  
26 of the district pursuant to Article VII, section 2(b) of the state  
27 Constitution and RCW 84.52.056.

28 **Sec. 8.** RCW 36.100.060 and 1989 1st ex.s. c 8 s 5 are each amended  
29 to read as follows:

30 (1) To carry out the purpose of this chapter, a public facilities  
31 district may issue general obligation bonds, not to exceed an amount,  
32 together with any outstanding nonvoter approved general obligation  
33 indebtedness, equal to (~~three-eighths~~) three-fourths of one percent  
34 of the value of taxable property within the district, as the term  
35 "value of taxable property" is defined in RCW 39.36.015. A public  
36 facilities district additionally may issue general obligation bonds for  
37 capital purposes only, together with any outstanding general obligation

1 indebtedness, not to exceed an amount equal to one and one-fourth  
2 percent of the value of the taxable property within the district, as  
3 the term "value of taxable property" is defined in RCW 39.36.015, when  
4 authorized by the voters of the public facilities district pursuant to  
5 Article VIII, section 6 of the state Constitution, and to provide for  
6 the retirement thereof by excess property tax levies as provided in  
7 this chapter.

8 (2) General obligation bonds may be issued with a maturity of up to  
9 thirty years, and shall be issued and sold in accordance with the  
10 provisions of chapter 39.46 RCW.

11 (3) The general obligation bonds may be payable from the operating  
12 revenues of the public facilities district in addition to the tax  
13 receipts of the district.

14 (4) The excise tax imposed pursuant to RCW 36.100.040 shall  
15 terminate upon final payment of all bonded indebtedness for (~~the~~  
16 ~~sports and entertainment facility~~) all public facilities authorized  
17 under RCW 36.100.030.

18 NEW SECTION. Sec. 9. A new section is added to chapter 36.100 RCW  
19 to read as follows:

20 (1) A public facilities district that is located in a county with  
21 a population of one million or more may fix and impose an excise tax on  
22 all persons engaged in a commercial parking business within its  
23 respective jurisdiction, including both public and private entities, or  
24 an excise tax on the act or privilege of parking a motor vehicle in a  
25 facility operated by a commercial parking business, including both  
26 public and private entities. The excise tax shall not exceed a rate of  
27 ten percent of the charges imposed on the act or privilege of parking  
28 a motor vehicle in a facility operated by a commercial parking  
29 business.

30 The public facilities district may provide that:

31 (a) The tax is paid by the operator or owner of the motor vehicle;

32 (b) The tax applies to all parking for which a fee is paid, whether  
33 paid or leased, including parking supplied with a lease of  
34 nonresidential space;

35 (c) The tax is collected by the operator of the facility and  
36 remitted to the public facilities district;

37 (d) The tax is a fee per vehicle or is measured by the parking  
38 charge;



1 (e) The tax rate varies with the time of entry or exit, the type or  
2 use of the vehicle, or other reasonable factors; and

3 (f) Tax exempt carpools, vehicles with handicapped decals, or  
4 government vehicles are exempt from the tax.

5 (2) "Commercial parking business," as used in this section, means  
6 the ownership, lease, operation, or management of a commercial parking  
7 lot in which fees are charged. "Commercial parking lot" means a  
8 covered or uncovered area with stalls for the purpose of parking motor  
9 vehicles.

10 (3) The rates charged must be uniform for the same class or type of  
11 commercial parking business.

12 (4) The public facilities district levying the tax provided for in  
13 subsection (1) of this section may provide for its payment on a  
14 monthly, quarterly, or annual basis, and may develop by resolution  
15 rules for administering the tax, including provisions for reporting by  
16 commercial parking businesses, collection, and enforcement.

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