
HOUSE BILL 2793

State of Washington

53rd Legislature

1994 Regular Session

By Representative H. Myers

Read first time 01/24/94. Referred to Committee on Local Government.

1 AN ACT Relating to county, city, or town taxes imposed on lodging;
2 amending RCW 67.28.200; reenacting and amending RCW 67.28.210; adding
3 new sections to chapter 67.28 RCW; and repealing RCW 67.28.182,
4 67.28.240, 67.28.250, 67.28.260, 67.28.270, 67.28.280, and 67.28.290.

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, city, or town is authorized
9 to impose a special excise tax of not exceeding three percent on the
10 sale of or charge made for the furnishing of lodging by a hotel,
11 rooming house, tourist court, motel, trailer camp, and the granting of
12 any similar license to use real property, as distinguished from the
13 renting or leasing of real property. For purposes of this tax, it
14 shall be presumed that the occupancy of real property for a continuous
15 period of one month or more constitutes the rental or lease of real
16 property and not a mere license to use or to enjoy the real property.

17 (2) The legislative body of a county, city, or town may not impose
18 the tax authorized in this section if a tax is imposed in the county,
19 city, or town under RCW 67.40.090 or if a public facilities district

1 imposes the tax authorized under RCW 36.100.040 in the county, city, or
2 town.

3 (3) Any county ordinance levying the tax authorized in this section
4 shall include a provision allowing a credit against the county tax for
5 the full amount of any city or town tax imposed under this section upon
6 the same taxable event.

7 (4) Proceeds from any tax authorized in this section shall be
8 credited to a special fund or account in the county, city, or town
9 treasury and used to finance facilities or activities related to the
10 promotion and development of tourism or conventions, or for costs of
11 siting, acquiring, constructing, operating, or maintaining capital
12 facilities primarily used by tourists, visitors, or persons attending
13 conventions, sporting events, entertainment, festivals, fairs, or
14 cultural events, including, but not limited to, convention centers,
15 stadia, performing arts centers, visual arts centers, trade recreation
16 agricultural centers, movable tall ships tourist attractions, steam
17 railways, ocean beach boardwalks, public restroom facilities available
18 and intended for use by visitors, tourist rest areas and tourist
19 emergency facilities, picnic areas and viewpoints, tourist parking
20 areas, and aquatic facilities. In addition, proceeds from this tax may
21 be used to finance the activities or facilities that were authorized to
22 be financed by the former taxes authorized under RCW 67.28.180,
23 67.28.182, 67.28.240, 67.28.250, 67.28.260, 67.28.270, 67.28.280, or
24 67.28.290.

25 (5) The ordinance imposing the taxes authorized under this section
26 shall specifically identify the purpose or purposes, or project or
27 projects, to be financed with receipts from these taxes. Prior to
28 adopting this ordinance, or amending the ordinance to alter the
29 purposes or projects, the legislative body of the county, city, or town
30 shall create an advisory group of persons associated with lodging
31 businesses and other interested citizens and receive recommendations
32 from this advisory group on possible projects or purposes to be
33 financed with these tax receipts.

34 (6) After the effective date of this act, any taxes that were
35 imposed under RCW 67.28.182, 67.28.240, 67.28.250, 67.28.260,
36 67.28.270, 67.28.280, or 67.28.290 shall be considered to have been
37 imposed under this section and shall continue in effect until the
38 ordinance imposing any of these taxes is altered.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 67.28 RCW
2 to read as follows:

3 Chapter . . . , Laws of 1994 (this act) may not impair the
4 obligation of a contract. Any tax that was imposed under RCW
5 67.28.182, 67.28.240, 67.28.250, 67.28.260, 67.28.270, 67.28.280, or
6 67.28.290 to make redemption payments on bonds issued before the
7 effective date of this act may continue to be imposed under section 1
8 of this act for this purpose.

9 **Sec. 3.** RCW 67.28.200 and 1993 c 389 s 2 are each amended to read
10 as follows:

11 The legislative body of any county ~~((or))~~, city, or town may
12 establish reasonable exemptions and may adopt such reasonable rules and
13 regulations as may be necessary for the levy and collection of the
14 taxes authorized under this chapter. The department of revenue shall
15 perform the collection of such taxes on behalf of ~~((such))~~ the county
16 ~~((or))~~, city, or town at no cost to ~~((such))~~ the county ~~((or))~~, city,
17 or town.

18 **Sec. 4.** RCW 67.28.210 and 1993 c 197 s 1 and 1993 c 46 s 1 are
19 each reenacted and amended to read as follows:

20 All taxes levied and collected under RCW 67.28.180(~~(, 67.28.240,~~
21 ~~and 67.28.260))~~) shall be credited to a special fund in the treasury of
22 the county ~~((or))~~, city, or town imposing such tax. Such taxes shall
23 be levied only for the purpose of paying all or any part of the cost of
24 acquisition, construction, or operating of stadium facilities,
25 convention center facilities, performing arts center facilities, and/or
26 visual arts center facilities or to pay or secure the payment of all or
27 any portion of general obligation bonds or revenue bonds issued for
28 such purpose or purposes under this chapter, or to pay for advertising,
29 publicizing, or otherwise distributing information for the purpose of
30 attracting visitors and encouraging tourist expansion when a county
31 ~~((or))~~, city, or town has imposed such tax for such purpose, or as one
32 of the purposes hereunder, and until withdrawn for use, the moneys
33 accumulated in such fund or funds may be invested in interest bearing
34 securities by the county ~~((or))~~, city, or town treasurer in any manner
35 authorized by law. In addition such taxes may be used to develop
36 strategies to expand tourism: PROVIDED, That any county, and any city
37 or town within a county, bordering upon Grays Harbor may use the

1 proceeds of such taxes for construction and maintenance of a movable
2 tall ships tourist attraction in cooperation with a tall ships
3 restoration society, except to the extent that such proceeds are used
4 for payment of principal and interest on debt incurred prior to June
5 11, 1986: PROVIDED FURTHER, That any county, city, or ((county)) town
6 may use the proceeds of such taxes for the refurbishing and operation
7 of a steam railway for tourism promotion purposes: PROVIDED FURTHER,
8 That any city bordering on the Pacific Ocean with a population of not
9 less than one thousand and the county in which such a city is located
10 may use the proceeds of such taxes for funding special events or
11 festivals, or promotional infrastructures including but not limited to
12 an ocean beach boardwalk: ((PROVIDED FURTHER, That any county which
13 imposes a tax under RCW 67.28.182 may use the proceeds of the tax
14 levied and collected under RCW 67.28.180 to provide public restroom
15 facilities available to and intended for use by visitors:)) PROVIDED
16 FURTHER, That any county, city or town, if the city or town has a
17 population less than five thousand, may use the proceeds of the tax
18 levied and collected under RCW 67.28.180 to provide public restroom
19 facilities available to and intended for use by visitors.

20 NEW SECTION. Sec. 5. The following acts or parts of acts are each
21 repealed:

- 22 (1) RCW 67.28.182 and 1987 c 483 s 2;
23 (2) RCW 67.28.240 and 1993 sp.s. c 16 s 3, 1991 c 363 s 140, & 1988
24 ex.s. c 1 s 21;
25 (3) RCW 67.28.250 and 1992 c 156 s 2 & 1988 ex.s. c 1 s 22;
26 (4) RCW 67.28.260 and 1991 c 331 s 1;
27 (5) RCW 67.28.270 and 1991 c 357 s 4;
28 (6) RCW 67.28.280 and 1993 c 389 s 1; and
29 (7) RCW 67.28.290 and 1993 sp.s. c 16 s 1.

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