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SENATE BILL 5265

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State of Washington

61st Legislature

2009 Regular Session

By Senators Jarrett, Oemig, and Shin

Read first time 01/19/09. Referred to Committee on Economic Development, Trade & Innovation.

1 AN ACT Relating to local tourism promotion areas; amending RCW  
2 35.101.010, 35.101.050, 35.101.070, and 35.101.080; and adding a new  
3 section to chapter 35.101 RCW.

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

5 **Sec. 1.** RCW 35.101.010 and 2003 c 148 s 1 are each amended to read  
6 as follows:

7 Unless the context clearly requires otherwise, the definitions in  
8 this section apply throughout this chapter.

9 (1) "Area" means a tourism promotion area.

10 (2) "Legislative authority" means the legislative authority of any  
11 county with a population greater than forty thousand (~~but less than~~  
12 ~~one million~~)), or of any city or town within such a county, including  
13 unclassified cities or towns operating under special charters.  
14 However, in counties with a population of one million or more, the  
15 legislative authority shall be comprised of two or more jurisdictions  
16 acting jointly as the legislative authority under an interlocal  
17 agreement created under chapter 39.34 RCW for the joint establishment  
18 and operation of a tourism promotion area.

1 (3) "Lodging business" means a person that furnishes lodging  
2 taxable by the state under chapter 82.08 RCW that has forty or more  
3 lodging units.

4 (4) "Tourism promotion" means activities and expenditures designed  
5 to increase tourism and convention business, including but not limited  
6 to advertising, publicizing, or otherwise distributing information for  
7 the purpose of attracting and welcoming tourists, and operating tourism  
8 destination marketing organizations.

9 **Sec. 2.** RCW 35.101.050 and 2003 c 148 s 5 are each amended to read  
10 as follows:

11 A legislative authority may impose a charge on the furnishing of  
12 lodging by a lodging business located in the area.

13 (1) There shall not be more than six classifications upon which a  
14 charge can be imposed.

15 (2) Classifications can be based upon the number of rooms, room  
16 revenue, or location within the area. Furthermore, if an exemption  
17 request is made as provided in subsection (5) of this section, one of  
18 the six classifications shall be an exempt classification with a rate  
19 equal to zero.

20 (3) Each classification may have its own rate, which shall be  
21 expressed in terms of nights of stay.

22 (4) In no case may the rate under this section be in excess of two  
23 dollars per night of stay.

24 (5) If a lodging business within the area makes an exemption  
25 request to the legislative authority on or before the date of the  
26 hearing under RCW 35.101.030, the lodging business is exempt from the  
27 charge. This subsection only applies to counties with a population of  
28 one million or more.

29 **Sec. 3.** RCW 35.101.070 and 2003 c 148 s 7 are each amended to read  
30 as follows:

31 Whenever a hearing is held under RCW 35.101.030, the legislative  
32 authority shall hear all protests (~~and~~), receive evidence for or  
33 against the proposed action, and receive and acknowledge any requests  
34 for exemption under RCW 35.101.050. The legislative authority may  
35 continue the hearing from time to time. Proceedings shall terminate if

1 protest is made by the lodging businesses in the area which would pay  
2 a majority of the proposed charges.

3 **Sec. 4.** RCW 35.101.080 and 2003 c 148 s 8 are each amended to read  
4 as follows:

5 Only after an initiation petition has been presented to the  
6 legislative authority under RCW 35.101.020 and only after the  
7 legislative authority has conducted a hearing under RCW 35.101.030, may  
8 the legislative authority adopt an ordinance to establish an area. If  
9 the legislative authority adopts an ordinance to establish an area, the  
10 ordinance shall contain the following information:

11 (1) The number, date, and title of the resolution of intention  
12 pursuant to which it was adopted;

13 (2) The time and place the hearing was held concerning the  
14 formation of the area;

15 (3) The description of the boundaries of the area;

16 (4) The initial or additional rate of charges to be imposed with a  
17 breakdown by classification, if such classification is used;

18 (5) The name of lodging businesses submitting exemption requests  
19 under RCW 35.101.050(5);

20 (6) A statement that an area has been established; and

21 ~~((+6))~~ (7) The uses to which the charge revenue shall be put.  
22 Uses shall conform to the uses declared in the initiation petition  
23 under RCW 35.101.020.

24 NEW SECTION. **Sec. 5.** A new section is added to chapter 35.101 RCW  
25 to read as follows:

26 (1) The furnishing of lodging at a new lodging facility located  
27 within a tourism promotion area is exempt from the charge imposed under  
28 this chapter unless the lodging business submits a petition to the  
29 legislative authority indicating that lodging furnished at the new  
30 lodging facility will be subject to the charge.

31 (2) This section only applies to a new lodging facility located  
32 within a county with a population of one million five hundred thousand  
33 or more.

34 (3) For the purposes of this section, "new lodging facility" means

1 a recently constructed lodging facility where the facility is issued a  
2 certificate of occupancy on or after the effective date of this act.

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