

**ESSB 6592** - H COMM AMD

By Committee on Innovation, Technology & Economic Development

**NOT ADOPTED 03/06/2020**

1 Strike everything after the enacting clause and insert the  
2 following:

3 **"Sec. 1.** RCW 35.101.010 and 2015 c 131 s 1 are each amended to  
4 read as follows:

5 Unless the context clearly requires otherwise, the definitions in  
6 this section apply throughout this chapter.

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

8 (2)(a) Except as otherwise provided in this subsection,  
9 "legislative authority" means the legislative authority of any county  
10 (~~with a population greater than forty thousand~~), or of any city or  
11 town within such a county, including unclassified cities or towns  
12 operating under special charters.

13 (b) Except as provided in (c) of this subsection, in any county  
14 with a population of one million or more, "legislative authority"  
15 means two or more jurisdictions acting jointly as the legislative  
16 authority under an interlocal agreement created under chapter 39.34  
17 RCW for the joint establishment and operation of a tourism promotion  
18 area.

19 (c) For a city incorporated after January 1990, with a population  
20 greater than eighty-nine thousand, and located in a county described  
21 in (b) of this subsection, "legislative authority" means the city's  
22 legislative authority.

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

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

31 (5) "Tourist" means a person who travels for business or pleasure  
32 on a trip:

1 (a) Away from the person's place of residence or business and  
2 stays overnight in paid accommodations;

3 (b) To a place at least fifty miles away one way by driving  
4 distance from the person's place of residence or business for the day  
5 or stays overnight. However, island communities without land access  
6 are exempt from the mileage requirement under this subsection (5)(b);  
7 or

8 (c) To another country or state outside of the person's place of  
9 residence or business.

10 NEW SECTION. Sec. 2. A new section is added to chapter 35.101  
11 RCW to read as follows:

12 (1) In addition to the two dollar charge authorized by RCW  
13 35.101.050, a legislative authority may impose an additional charge  
14 of up to three dollars per night of stay on the furnishing of lodging  
15 by a lodging business located in the area.

16 (2) This section expires July 1, 2027.

17 **Sec. 3.** RCW 35.101.130 and 2003 c 148 s 13 are each amended to  
18 read as follows:

19 (1) The legislative authority imposing the charge shall have sole  
20 discretion as to how the revenue derived from the charge is to be  
21 used to promote tourism that increases the number of tourists to the  
22 area. However, the legislative authority may appoint existing  
23 advisory boards or commissions to make recommendations as to its use,  
24 or the legislative authority may create a new advisory board or  
25 commission for (~~the [that]~~) that purpose.

26 (2) The legislative authority may contract with tourism  
27 destination marketing organizations or other similar organizations to  
28 administer the operation of the area, so long as the administration  
29 complies with all applicable provisions of law, including this  
30 chapter, and with all county, city, or town resolutions and  
31 ordinances, and with all regulations lawfully imposed by the state  
32 auditor or other state agencies.

33 (3) If a majority of those lodging businesses assessed the  
34 charges imposed under RCW 35.101.050 or section 2 of this act  
35 petition in writing to the legislative authority that the charge be  
36 removed, the legislative authority must remove the charge within  
37 twelve months of receipt of the petition. The legislative authority  
38 may determine the timing of when to remove the charge so that the

1 effective date of the expiration of the charge will not adversely  
2 impact existing contractual obligations, not to exceed twelve months.  
3 The legislative authority may not be held liable for any financial  
4 obligations, contractual obligations, or damages for removing the  
5 charge.

6 (4) Any legislative authority with a charge in place under RCW  
7 35.101.050 as of January 1, 2020, shall not have the charge be  
8 amended as provided under subsection (3) of this section unless the  
9 legislative authority has adopted an increase to the charge as  
10 authorized in section 2 of this act.

11 NEW SECTION. Sec. 4. A new section is added to chapter 35.101  
12 RCW to read as follows:

13 Each tourism promotion area must conduct a program review of the  
14 additional tourism promotion area charge established in section 2 of  
15 this act. The review must be completed and submitted to the  
16 appropriate committees of the legislature by January 1, 2026. The  
17 review must:

18 (1) Analyze how tourism promotion area charge funds were used  
19 during the period when the additional charge was imposed;

20 (2) Identify additional marketing and promotional measures  
21 conducted or purchased with additional funds beyond the current two  
22 dollar charge;

23 (3) Assess whether additional tourism promotion area charges  
24 above two dollars contributed to an actual increase in the number of  
25 tourists, as defined in RCW 35.101.010; and

26 (4) Assess the average additional cost per visit per tourist due  
27 to additional tourism promotion area charges above two dollars."

28 Correct the title.

EFFECT: (1) Allows the legislative authority twelve months to  
remove the charge, after receiving a petition from lodging businesses  
to remove the charge.

(2) Provides that the legislative authority may determine the  
timing of when to remove the charge so that the effective date of the  
expiration of the charge will not adversely impact existing  
contractual obligations.

(3) Provides that the legislative authority may not be held liable for any financial obligations, contractual obligations, or damages for removing the charge.

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