

SSB 6026 - S AMD 243
By Senator West

ADOPTED 03/18/2003

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

3 "Sec. 1. RCW 35.87A.010 and 2000 c 201 s 1 are each amended to
4 read as follows:

5 To aid general economic development and neighborhood
6 revitalization, and to facilitate the cooperation of merchants,
7 businesses, and residential property owners which assists trade,
8 economic viability, and liveability, the legislature hereby authorizes
9 all counties and all incorporated cities and towns, including
10 unclassified cities and towns operating under special charters:

11 (1) To establish, after a petition submitted by the operators
12 responsible for sixty percent of the assessments by businesses and
13 multifamily residential or mixed-use projects within the area, parking
14 and business improvement areas, hereafter referred to as area or areas,
15 for the following purposes:

16 (a) The acquisition, construction or maintenance of parking
17 facilities for the benefit of the area;

18 (b) Decoration of any public place in the area;

19 (c) Sponsorship or promotion of public events which are to take
20 place on or in public places in the area;

21 (d) Furnishing of music in any public place in the area;

22 (e) Providing professional management, planning, and promotion for
23 the area, including the management and promotion of retail trade and
24 tourism activities in the area; (~~(or)~~)

25 (f) Providing maintenance and security for common, public areas.

26 (2) To levy special assessments on all businesses and multifamily
27 residential or mixed-use projects within the area and specially
28 benefited by a parking and business improvement area to pay in whole or

1 in part the damages or costs incurred therein as provided in this
2 chapter.

3 (3) To impose a convention and tourism promotion charge in the
4 parking and business improvement area as authorized under section 3 of
5 this act, the proceeds of which shall be used for the purpose of
6 funding convention and tourism promotion.

7 **Sec. 2.** RCW 35.87A.020 and 1993 c 429 s 2 are each amended to read
8 as follows:

9 Unless the context clearly requires otherwise, the definitions in
10 this section apply throughout this chapter.

11 (1) "Business" means all types of business, including professions.

12 (2) "Convention and tourism promotion" means (a) activities and
13 expenditures designed to increase tourism and convention business,
14 including but not limited to advertising, publicizing, or otherwise
15 distributing information for the purpose of attracting and welcoming
16 tourists; developing strategies to expand tourism; and operating
17 tourism destination marketing organizations; and (b) the activities
18 under (a) of this subsection that are located in a county with a
19 population greater than four hundred thousand, but less than one
20 million.

21 (3) "Legislative authority" means the legislative authority of any
22 city or town, including unclassified cities or towns operating under
23 special charters, or the legislative authority of any county.

24 ~~((3))~~ (4) "Multifamily residential or mixed-use project" means
25 any building or buildings containing four or more residential units or
26 a combination of residential and commercial units, whether title to the
27 entire property is held in single or undivided ownership or title to
28 individual units is held by owners who also, directly or indirectly
29 through an association, own real property in common with the other unit
30 owners.

31 ~~((4))~~ (5) "Residential operator" means the owner or operator of
32 a multifamily residential or mixed-use project if title is held in
33 single or undivided ownership, or, if title is held in a form of common
34 interest ownership, the association of unit owners, condominium
35 association, homeowners' association, property owners' association, or
36 residential cooperative corporation.

1 NEW SECTION. **Sec. 3.** A new section is added to chapter 35.87A RCW
2 to read as follows:

3 (1) A legislative authority that has created a parking and business
4 improvement area under this chapter may impose a convention and tourism
5 promotion charge on the furnishing of lodging in the parking and
6 business improvement area, as provided in this section. The charge
7 shall be in addition to any other assessments, fees, or taxes
8 authorized by law, including the special assessment already authorized
9 under this chapter prior to the effective date of this act.

10 (2) The legislative authority may not provide for more than six
11 classifications upon which the charge shall be imposed.
12 Classifications can be based on the number of rooms, room revenue, or
13 location within the area. Each classification may have its own rate,
14 which shall be expressed in terms of nights of stay. In no case may
15 the rate under this section be in excess of two dollars per night of
16 stay. The legislative authority shall provide for exemptions from the
17 charge that parallels any exemptions in regard to furnishing lodging
18 under chapter 82.08 RCW.

19 (3)(a) For administrative ease the charge shall be administered by
20 the department of revenue and shall be collected from those persons who
21 are taxable by the state under chapter 82.08 RCW.

22 (b) Chapter 82.32 RCW applies to the charge imposed under this
23 section.

24 (c) The legislative authority shall contract for, at least seventy-
25 five days prior to the effective date of a resolution or ordinance
26 imposing the charge, the administration and collection by the
27 department of revenue. The remainder of any portion of any charge
28 authorized by this chapter that is collected by the department of
29 revenue shall be deposited by the department of revenue in the
30 convention and tourism promotion account hereby created as an account
31 in the custody of the state treasurer. The state treasurer shall
32 distribute the moneys in the account on a monthly basis to the
33 legislative authority on whose behalf the money was collected.

34 (4) Moneys received from any charge imposed under this section
35 shall be used to fund convention and tourism promotion.

36 (5) The charge imposed under this section is not a tax on the "sale
37 of lodging" as that term is defined in RCW 82.14.410.

1 **Sec. 4.** RCW 43.79A.040 and 2002 c 322 s 5, 2002 c 204 s 7, and
2 2002 c 61 s 6 are each reenacted and amended to read as follows:

3 (1) Money in the treasurer's trust fund may be deposited, invested,
4 and reinvested by the state treasurer in accordance with RCW 43.84.080
5 in the same manner and to the same extent as if the money were in the
6 state treasury.

7 (2) All income received from investment of the treasurer's trust
8 fund shall be set aside in an account in the treasury trust fund to be
9 known as the investment income account.

10 (3) The investment income account may be utilized for the payment
11 of purchased banking services on behalf of treasurer's trust funds
12 including, but not limited to, depository, safekeeping, and
13 disbursement functions for the state treasurer or affected state
14 agencies. The investment income account is subject in all respects to
15 chapter 43.88 RCW, but no appropriation is required for payments to
16 financial institutions. Payments shall occur prior to distribution of
17 earnings set forth in subsection (4) of this section.

18 (4)(a) Monthly, the state treasurer shall distribute the earnings
19 credited to the investment income account to the state general fund
20 except under (b) and (c) of this subsection.

21 (b) The following accounts and funds shall receive their
22 proportionate share of earnings based upon each account's or fund's
23 average daily balance for the period: The Washington promise
24 scholarship account, the college savings program account, the
25 Washington advanced college tuition payment program account, the
26 agricultural local fund, the American Indian scholarship endowment
27 fund, the basic health plan self-insurance reserve account, the
28 Washington state combined fund drive account, the Washington
29 international exchange scholarship endowment fund, the developmental
30 disabilities endowment trust fund, the energy account, the fair fund,
31 the fruit and vegetable inspection account, the game farm alternative
32 account, the grain inspection revolving fund, the juvenile
33 accountability incentive account, the convention and tourism promotion
34 account, the rural rehabilitation account, the stadium and exhibition
35 center account, the youth athletic facility account, the self-insurance
36 revolving fund, the sulfur dioxide abatement account, and the
37 children's trust fund. However, the earnings to be distributed shall

1 first be reduced by the allocation to the state treasurer's service
2 fund pursuant to RCW 43.08.190.

3 (c) The following accounts and funds shall receive eighty percent
4 of their proportionate share of earnings based upon each account's or
5 fund's average daily balance for the period: The advanced right of way
6 revolving fund, the advanced environmental mitigation revolving
7 account, the city and county advance right-of-way revolving fund, the
8 federal narcotics asset forfeitures account, the high occupancy vehicle
9 account, the local rail service assistance account, and the
10 miscellaneous transportation programs account.

11 (5) In conformance with Article II, section 37 of the state
12 Constitution, no trust accounts or funds shall be allocated earnings
13 without the specific affirmative directive of this section."

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14 On page 1, line 2 of the title, after "promotion;" strike the
15 remainder of the title and insert "amending RCW 35.87A.010 and
16 35.87A.020; reenacting and amending RCW 43.79A.040; and adding a new
17 section to chapter 35.87A RCW."

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